

Recommendation Report for Planning Permission

REF NO:	WA/102/24/PL
LOCATION:	Longacre The Street Walberton BN18 0PY
PROPOSAL:	Erection of 6 No. dwellings with car ports and car parking along with a new ecology and open space area with use of existing access onto The Street. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the character and appearance of the Walberton Green conservation area, is in CIL Zones 2 and 3 and is CIL liable for new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the construction of 6 dwellings with a housing mix of 4 x 3 bed and 2 x 4 bed dwellings.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of trees on the site with two trees subject to a Tree Protection Order. 10 trees, groups and hedges are scheduled to be wholly or partially removed.
BOUNDARY TREATMENT	The site has 1.8m fencing to the west boundary. There is hedging on the north and east boundary with scattered trees present.
SITE CHARACTERISTICS	The site is on land which forms part of the rear gardens of two residential dwellings, Longacre and Mill Cottage. The site is largely maintained grassland.
CHARACTER OF LOCALITY	The area is residential.

RELEVANT SITE HISTORY

PAA/108/23/	Erection of 9 No. new dwellings with garages along with car parking and use of existing access onto The Street	Refuse Pre App 11-01-24
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REPRESENTATIONS

- Walberton Parish Council - objection.
- The site is not allocated in the Neighbourhood Plan.
 - Attention is drawn to the weight the NPPF gives to made plans.
 - There are well known issues with drainage in Walberton.
 - Any increase to the sewerage system cannot be supported.
 - Traffic will be increased in conflict with policy GA5 of the WNP.
 - No details regarding energy efficiency is proposed.

- Request a grampian condition to restrict occupancy until drainage is addressed.

20 objections received from nearby occupiers.

- Foul drainage is not suitable and will exacerbate existing issues.
- Flood risk.
- Inconsistent with Walberton Neighbourhood Plan.
- Overdevelopment/density is excessive.
- Concerns regarding construction traffic accessing the site.
- Insufficient infrastructure.
- Tree Loss.
- Adverse impact upon existing habitats.
- Increased traffic.
- Overlooking.
- Impact upon the dark night skies.
- Para 14 of the NPPF applies and the adverse impact would outweigh the benefits.
- The site abuts the Conservation Area.
- There is no public transport.
- Bats are on site.
- The access road will intersect the root protection area of neighbouring trees.
- The method of drainage is of concern.
- It detracts from the character of the area.
- The boundary fence will be degraded, located adjacent the access road.
- Concerns about the provision of utilities.
- Parking provision is inadequate.
- Negative effect on neighbouring bungalows.
- It will harm the rural character of Walberton.
- TPO trees will be affected.
- It may affect the settings of listed buildings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Ecology - No objection subject to conditions.

ADC Drainage Engineers - Objection. Request additional information

- Evidence of the existing drainage arrangements for Longacre.
- All watercourses and their easements clearly marked on the layout with no obstructions within those easements.
- Permission in principle to connect surface water to the culverted ordinary watercourse.
- Evidence that interception drainage is provided for all positively drained areas.
- Evidence that the surface water drainage proposals do not conflict with the existing trees and their root protection areas.

WSCC Minerals and Waste - No comment.

Portsmouth Water - No conditions to request.

Conservation Officer - No objection, request conditions.

Area Conservation Advisory Committee - No objection.

Southern Water - No objection subject to conditions.

WSSC Highways - No objection subject to conditions.

Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Additional information has been submitted to address drainage concerns and will be reported to members by an update.

POLICY CONTEXT

Designation applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Current/Future Flood Zone 1.
- High value trees on and overlapping site.
- TPO for 1no. beech (T34) and 1no. oak (T21).
- Listed Buildings and Locally Listed Buildings of Character within close proximity.
- Borders Walberton Green Conservation Area to the south-west.
- WSSC Sharp Sand & Gravel Mineral Safeguarding Area.
- Area of Advert Special Control.
- Lidsey Treatment Catchment Area.
- CIL Zone 3.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
WDM1	W DM1 Water supply and quality
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

Joint Minerals Local Plan 2018:Walberton Neighbourhood Plan Policy 2019-2031
GA5Walberton Neighbourhood Plan Policy 2019-2031
HP13Walberton Neighbourhood Plan Policy 2019-2031
VE3Walberton Neighbourhood Plan Policy 2019-2031
HP11Walberton Neighbourhood Plan Policy 2019-2031 7
VE10Walberton Neighbourhood Plan Policy 2019-2031
VE5Walberton Neighbourhood Plan Policy 2019-2031
VE8Walberton Neighbourhood Plan Policy 2019-2031
VE4Walberton Neighbourhood Plan Policy 2019-2031
VE7

Joint West Sussex M9 Safeguarding Minerals

Traffic Management

Design Guidance

Protection of Trees and Hedgerows

Housing Density

Biodiversity Corridors

Buildings and Structures of Character

'Unlit village' status

Conservation Areas and Areas of Special Character

Surface Water Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, 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 conflicts with relevant Development Plan policies with regard to Policy C SP1.

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 other material considerations to be weighed in the balance with the Development Plan. The site is in a countryside location where the principle of residential development is not permitted. The relevant Arun Local Plan policy SD SP2 (built up area boundaries) is considered out of date for the purposes of paragraph 11 of the NPPF as a 5 year housing land supply cannot be demonstrated (3.41 years). The development is on previously developed land albeit not within the settlement boundary. The development does not result in harm on the setting of the Walberton Green Conservation Area.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- 31.98% of habitats
- 13.68% of hedgerows

CONCLUSIONS

PRINCIPLE

The development is predominately outside the built-up area boundary. Policy C SP1 of the Arun Local Plan (ALP) states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2. Policy HP1 of Walberton Neighbourhood Development Plan (WNDP) states proposals for development outside of the BUAB will be supported where they accord with the countryside policies in the ALP.

The principle of the proposal conflicts with ALP and WNDP and policies which seek to direct development to within the BUAB. However, the site intersects the BUAB with the boundary running through the red edge of the site. The access to the development at the south is within the BUAB and the land in which the dwellings are situated on is outside. The site adjoins development to the north/north-east for 131 dwellings, with existing development to all boundaries of the site. The site is not in open countryside and infills gaps between existing/permitted development. Development on this site would not extend the built up limits of the settlement.

In February 2021, Arun published an Interim Statement Policy for Housing Delivery (IHS). This is not policy but was produced as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB runs through the site to the south. The IHS sets out criteria to help speed up determinations of suitable residential developments. The proposal meets all but one of the criteria (the exception being the site is not in the BUAB and scores highly against the criteria).

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for

sustainable development would be triggered. ADC's Authority Monitoring Report (AMR) for 2023/24 confirms the current housing land supply in 3.41 years. In such circumstances Paragraph 11 (d) ii) of the NPPF is relevant. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for housing applications, where the Council cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In order for the NPPF's (para 11) 'presumption in favour of sustainable development' to apply it must first be assessed whether the proposal would constitute 'sustainable development'. Paragraph 8 of the NPPF sets out the three objectives of 'sustainable development'; economic, social and environmental. The proposal meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

The site is in a walkable distance to a small range of shops to the east on The Street. There are bus stops along The Street and Yapton Lane. These provide residents with access to services between Arundel, Barnham and Bognor Regis. There would be opportunities for occupiers of the development to access a broad range of facilities in the nearest towns by means other than the private car. The development would contribute 6 additional housing units with associated, albeit small scale, social and economic benefits. The proposal meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

Paragraph 14 of the NPPF is relevant and discusses the weight to be afforded to the Neighbourhood Plan. This states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement. The WDNP contains policies and allocations and is less than 5 years old and paragraph 14 is applicable. On this basis, the weight afforded to the conflict with the Neighbourhood Plan is significant.

Paragraph 125(c) of the NPPF is also relevant. This states decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. The NPPF definition of previously developed land is land which is or was occupied by a permanent structure, including the curtilage of development land. The definition of previously developed land excludes land in built-up areas such as residential gardens. The application site forms residential garden for two properties that are in the built up area but the curtilage of the dwellings is outside the built up area. Residential gardens outside built up areas are brownfield as confirmed in a High Court ruling in 2015. The weight afforded to the development on brownfield land as per the NPPF is substantial.

The principle of the proposal conflicts with the Arun Local Plan and with the WDNP. It is material that the Council cannot demonstrate an appropriate Housing Land Supply (HLS). Due to the HLS position, the application falls to be determined by the NPPF presumption in favour of sustainable development and the development on brownfield land is afforded significant weight. This will be assessed at the end of this report.

DESIGN, VISUAL AMENITY AND LANDSCAPING

Para 135 of the NPPF details design requirements for new developments. ALP policy D DM1 considers aspects of form and design quality. ALP policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area.

The Arun Design Guide (ADG) provides detailed guidance that help raise design standards. Section P refers to infill development and states that the scheme should emulate the established pattern of building height, scale, plot width, boundary treatment. Consideration must also be given to effects on the existing character and appearance of the streetscape and how this may be enhanced or preserved.

The proposal is to the rear of two residential gardens and represents a form of backland development. There is an example of similar backland development to the rear of the Holly Tree Pub to the east. Due to development around the site at Mill Lane and The Street, views from the wider area are largely restricted.

The site will utilise the existing access from The Street which runs along the west elevation of Longacre. This extends through the centre of the site with sufficient space for a parking/turning area to the north.

The application proposes 6 dwellings (4 detached and 2 semi-detached). Two properties have detached car ports and one has an attached car port. The dwellings are to the north and western boundary of the site with an area of open space to the eastern side, visible upon entry. Part G of the ADG suggests a density for village locations of 15-25 dwellings per hectare (dph) for detached/semi-detached houses. The density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The layout represents a density of 13 dph and this would be in accordance with the guidance. This would comply with WDNP policy HP11 which states density of new development shall be appropriate to its location.

The immediate character of the area features predominantly detached dwellings, although terraced are more traditional to the east of the site along The Street. The proposed dwellings appear comparable to those in the immediate vicinity.

The houses are of a traditional design and incorporate features such as traditional timber casement windows, arched courses over doors and windows, timber porches and chimneys. Materials differ across the site with properties featuring a variety of brickwork with tile hanging at first floor, white painted brickwork, timber boarding and flint work elevations. Timber windows would be in muted tones such as green and grey. Clay and slate roof tiles are proposed. The materials are acceptable and would remain in keeping with the locality, with similar features present along The Street.

Parking is alongside the dwellings in the form of tandem spaces for all but one unit and does not form a dominant feature. Hedging is proposed along front boundaries of dwellings to further enhance the character of the site and hardstanding is kept to a minimum.

20 new trees will be planted and the site plan demonstrates hedging on all plot boundaries and to the boundary of the open space/ecological area to the east of the site. No specific details have been provided with regards to the species or sizes of planting and a condition will be included for submission of a detailed landscaping scheme to ensure the mix and size will deliver an instant green feature. The open space/grassed area will be planted with seeded grassland.

No details of boundary fencing have been submitted however this is minimal across the site, predominately to the rear of sites between property boundaries and would not be readily visible from the street scene. Details of boundary treatments will be conditioned to ensure it remains in character with the wider area. The landscaping would appear acceptable subject to further specific detail.

Policy HP13 of the WDNP refers to design and states design must be of high quality and contribute to local character by creating a sense of place appropriate to its location. The proposal is in character with the wider area in terms of the scale and appearance of the buildings and is appropriate for its location.

Policy VE8 relates to the unlit village and proposals which detract from this will not be supported. No details are included with regards to external lighting and a condition will be included to ensure the amount proposed and the brightness levels are appropriate to the area.

The layout and design of the development appears appropriate to its setting and reflective of those in the local area and is in compliance with ALP policies D SP1 and D DM1 and relevant policies of the WDNP.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact on residential amenity. Policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land.

Part J of the ADG states new development should generally reflect the scale of existing buildings and avoid overshadowing of neighbouring properties. The ADG sets out the following guidance on interface distances between dwellings:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Rear gardens to be at least 10.5m deep and front gardens 2m deep;

Plot 3 to the west is slightly short of the 21m back to back separation to 1 & 2 Mill Cottages retaining 20.5m. There are two rear facing first floor windows to Plot 3 however these serve bathrooms and with the shortfall minor, it would not give rise to overlooking.

Separation distances are short with regards to the front to side distances between properties to the north at Plot 3 to 6, retaining approximately 5m. Whilst it does not comply, the front elevations of Plot 3 and 6 would overlook the blank side elevation of Plots 4 and 5 and any views would be impeded by boundary hedging and car parking. In this case, the shortfall would be acceptable.

Due to the siting of the dwellings, the proposal would not result in adverse overbearing or overshadowing with sufficient separation retained between neighbouring properties to the west and south. Boundary trees are retained and act as a landscape buffer between the new development and existing dwellings to the southwest which include Longacre, Honeywood House and Mill Cottages.

The adjoining land to the north and east of the site has permission approved by WA/126/22/RES for 131 dwellings. The land adjoining the site consists of open space which is to include SuDS features and several play areas. The site plan indicates that the dwellings closest to the site are single storey and that they sit back from the site boundary behind the open space buffer. The proposal would not result in adverse harm on the future occupiers of approved development to the rear.

The development would not result in adverse overlooking, overbearing or overshadowing on amenity in accordance with ALP policy D DM1.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply.

The development proposes 4 x 3 bed and 2 x 4 bed units. The floor space complies with that of the national space standards.

Policy H.04 of the ADG advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The development complies with the guidance providing residential rear gardens at least 10.5m deep. All front gardens also meet the requirements.

The site will provide an area of open space to the eastern side of the development. This is an additional communal space which could be utilised by occupiers.

The design provides a suitable internal and external space in compliance with ALP policy D DM2 and the ADG.

HIGHWAYS AND PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the ADC's Parking Standards SPD 2020.

For dwellings of this type and this location (Parking Behaviour Zone 4), the Council's Parking Standards require 2 spaces per dwelling for 3 bed dwellings and 3 spaces per dwelling for 4 bed dwellings. A total of 14 spaces are required and have been provided.

The Design Guide states 'on-plot parking in front of dwellings must be provided sensitively to ensure that this does not dominate frontages or detract from the character and quality of the street scene. The parking is predominately alongside the dwellings in the form of tandem spaces, although Plot 6 parking is to the southern side adjoining the open space but is screened with planting to reduce its view from the wider site. The proposal includes hedging and grassed areas to soften the frontages and as such complies with the guidance.

Visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. This would require 1 space. 3 spaces are provided and the proposal complies with the required parking provision.

The site access will be from an existing access to the west side of the existing dwelling at Longacre. A conservatory at Longacre will be removed to enable the access to be enlarged to 5.5m to accommodate two cars to pass each other. Visibility splays are acceptable and it has been demonstrated that access/egress for a refuse vehicle can be achieved.

Cycle storage is shown on the plans located to the rear garden of each of the dwellings.

Electric vehicle charging points should be provided at a rate of 1 charging point per house with a garage or parking space, as per the Council's Parking Standards and this will be conditioned.

Policy GA5 of the WDNP states proposals that significantly increase the level of traffic in the villages will be resisted. The transport statement states the development is likely to generate 3 two way trips during peak AM and PM hours and an average of 27 daily traffic movements. This will result in additional vehicular movements than at present. However, the amount generated is not significant and WSCC Highways do not consider the development would result in an unacceptable impact upon the highway and have no objection to the development.

The proposal complies with T SP1 of the Arun Local Plan, Arun Parking Standards SPD and GA5 of the WDNP.

HERITAGE

ALP Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. Policy HER DM3 outlines how the Council will preserve and enhance the character and appearance of the setting of conservation areas. Policy HER DM1 set out criteria for assessing the impact on proposals in relation to the setting of Listed Buildings. WDNP Policy VE 4 states that proposals that adversely affect the setting of the Conservation Areas will not be supported. Policy VE5 relates to non-designated assets.

Para 207 of the NPPF requires the significance of the heritage asset affected. Paragraph 208 of the NPPF requires LPAs to identify and assess the significance of a heritage asset that may be affected by the proposal.

The site is not within a Conservation Area although the Walberton Green Conservation Area is in close proximity to the west. Walberton Green has its own distinct character, the focus of attention is upon an area of open green land, dissected by a number of roads forming a focal point for the area. The roads divide up the area into a number of smaller sections dominating the space. The absence of street furniture and limited paving is also a feature of the rural character. Nearby listed buildings at 15-20 The Street and non-designated assets have historical and architectural significance.

As the site is behind existing residential development, there is little opportunity to see the development in the context of various heritage assets. It may be possible to see roofs although appropriate materials lessen this impact. The development could lead to a potential erosion of the green buffer to the conservation area although this would be minimal. The design and layout is acceptable and is of low density in character, with small areas of open space and would be similar to other small back land developments in the village such as that behind the Holly Tree Public House to the east of the site.

The buildings reference the local vernacular and decorative quality found in the village from late 19th century. The materials look appropriate for its context and make references to the brick bond and window treatment which is positive. The success of the scheme would depend on materials and conditions will be applied to secure this.

The Conservation Officer considers the development acceptable in this location and noted it was positive to see properties read as a simple backland/courtyard development as opposed to a general estate development. The heritage statement provided considers the harm low in the spectrum of less than substantial harm and the Conservation Officer agrees with this conclusion. As a result, the public benefits of the scheme need to be determined.

Public benefit should flow from the development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The development would provide 6 dwellings which would bring associated benefits to the village such as spending at the local shops and village pub. The development is also on brownfield land. With the agreed harm low in the spectrum, in the case the public benefits would outweigh the harm identified.

The proposal complies with ALP policies HER SP1, HER DM3 and HER DM1 and VE4 and VE5 of the WDNP.

BIODIVERSITY

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and policy VE10 of WNDP states proposals which significantly harm biodiversity will not be supported.

The application is accompanied by an Ecological Appraisal. The site forms two residential gardens with

the western part of the site, managed grassland with regular mowing and the eastern part of the site consisting of longer grassland used by free roaming chickens. The boundaries are bounded by hedgerows and Oak, Ash and Sweet Chestnut trees.

The ecological appraisal considers it likely that bats use the site to some degree for commuting and the boundary trees contribute to this although no evidence was found on site for bats. Existing outbuildings on site show no evidence of bats.

The grassland to the east however does provide suitable habitats for slow worms and a reptile survey did show evidence of a low populations of slow worms on site with a maximum of 2 found of one day. A reptile fence is required as part of the mitigation plan and translocation of the reptiles to the southeast of the site in the open space/ecological area will take place. The existing boundary hedgerow will be retained and protected during construction which will further protect the reptiles.

The submitted biodiversity net gain (BNG) assessment states that new a total net gain of 31.98% of habitats and 13.68% for hedgerows units will be achieved. This application is required to deliver statutory net gain and therefore this is acceptable.

The document proposes mitigation and enhancement measures which include bat boxes, bird boxes, fencing to allow hedgehog movement and stag beetle habitat piles. 20 trees will be planted on site, which will be native or wildlife beneficial species and to the southeast of the site, there will be an area of open space which will contribute towards ecology, being a reptile receptor area. The Councils Ecologist has no objection and recommends a number of conditions to secure details of enhancements and reptile relocation on the site.

The ecological impacts are assessed as being acceptable subject to conditions to securing mitigation and the development accords with ALP policy ENV SP1 and VE10 of the WDNP.

TREES

ALP policy D DM1 requires developments to incorporate new tree planting and to improve on character through landscaping. Policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland.

Policy VE3 of the WDNP relates to trees.

There is a TPO on site (TPO/WA/4/23). This relates to a Beech to the front garden and a Oak to the far eastern corner. The tree protection plan shows these trees will be retained and suitable tree protecting fencing will be installed to protect their root protection area (RPA). The Oak is to rear corner of Plot 6. This dwelling has a reasonable sized garden and it is not considered that there would be pressure to prune nor that it would result in adverse overshadowing upon occupiers.

Of the total 35 trees, groups and hedges surveyed on the site, 10 trees, groups and hedges are scheduled to be wholly or partially removed. 1 category B tree is proposed for removal and 3 individual trees, 5 groups and 1 hedge classified category C. 5 trees/groups will have activities arising within their RPA.

The trees/groups to be removed are under the footprint of the new dwellings. The category C trees vary in size but are predominately of poorer condition having been severely pruned in the past. One group is large although screened by another large tree which is to be retained and the loss if not deemed significant due to the retained surrounding trees.

The existing drive is compacted aggregate although this will need to be slightly widened and upgraded to service the development. The drive is in the RPA of 3 trees and it is likely they have rooted in the neighbouring garden where conditions are more favourable and extent of the works is unlikely to result in further harm. Protective barriers will be installed prior and during all construction and ground protection measures will be used to safeguard RPA. No comment has been received from the tree officer however the details contained with the Arboricultural Assessment and conditions for protective measures will be conditioned.

Whilst the development will result in trees being felled, no TPO trees are to be removed and removal has been kept to a minimum. The trees to be removed are small in size and/or in poor condition or positioned so that their loss is likely to have limited amenity implications in the locality and replaced trees will be planted across the site.

Subject to the necessary protective measures being installed, the development would not result in adverse harm upon the trees across the site in accordance with relevant policies.

FLOOD RISK AND DRAINAGE

Policy W DM1 of the ALP requires proposals to submit a Drainage Impact Assessment (DIA) that must take account of the individual and cumulative impact on foul water disposal, flood storage capacity and surface water drainage. Policy W DM3 of the ALP requires minor development proposals to incorporate SUDS in the private areas of the development in order to provide source control features to the overall SUDS design.

Policy VE7 of the WDNP relates to surface water flooding.

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. The site is in the Lidsey Wastewater Treatment Catchment Area. A Flood Risk Assessment and Sustainable Drainage Statement have been submitted.

Infiltration testing on site did show that soils were permeable at a slow rate and as such a 1m freeboard is not achievable on site and infiltration is not viable. There is piped watercourse which runs adjacent to the south boundary of the site. This discharges into a pond located to the southwest of the site. The drainage strategy will utilise a shallow attenuation system for the surface water drainage which will convey the surface water flows to the southern boundary where it will discharge into the piped watercourse. Water butts will be installed to all properties and garages to help capture run off.

ADC Engineers objected, with further information required although did note the proposed discharge method to a boundary culverted watercourse is supported based on the evidenced groundwater levels. Additional information has been submitted to address their concerns and further comments are awaited.

Foul drainage will be dealt with via a new connection to the foul sewer in The Street. Southern Water do not object and request a condition for details of the surface water and foul drainage strategy to be submitted prior to commencement. This has been agreed and would ensure that a suitable drainage strategy is achieved.

Further comments are awaited from ADC Engineers to confirm the surface water drainage strategy is acceptable however the inclusion of a condition will ensure that final details are approved prior to any development on site and would ensure that the development complies with ALP policy W DM1 and W DM3 and VE7 of the WDNP.

MINERALS SAFEGUARDING

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint

Minerals Local Plan (2018). Policy M9 (b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible

WSSC Minerals responded to consultation and stated they had no comment to make. There are no conditions requested and the development complies with M9 of the WSSC Joint Minerals Local Plan.

OTHER CONSIDERATIONS - CIL

The Council adopted its CIL Charging Schedule on 01 April 2020. Applications will be subject to CIL payments where they fall in a charging zone detailed in the adopted Charging Schedule. In this instance, the site falls in CIL Charging 2.

SUMMARY AND RECOMMENDATION

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 3.41 years), paragraph 11(d) of the NPPF and the application of the 'presumption' in favour of sustainable development is triggered. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In respect of the part (ii) test, the report identifies that the proposal conflicts with the Council's policies in respect of development in the countryside.

The site is sustainable, and the scheme will result in benefits to the local and wider area such as new housing, the creation/retention of construction jobs, spending by future residents on local shops/services and biodiversity enhancements. Given the lack of a 5 year HLS the weight to be applied to the contribution of housing development to the HLS is significant weight. Limited weight is given to the economic benefits of the scheme and limited weight to the environmental benefits of the scheme, such as biodiversity enhancements. The site will also provide development on brownfield land which provides substantial weight albeit it is not within the settlement boundary as per the policy text.

With regards to Para 14 of the NPPF, the adverse impacts of the development would relate to the site being outside the built-up area which conflicts with BUAB policies and NP policy. However, this harm is substantially reduced as a result of the development adjoining the built-up area boundary which runs through the site and the fact that the application site is adjoined on its boundaries by existing and approved development. The site is on brownfield land and is not in open countryside in character.

In this case the presumption in favour of sustainable development is a material consideration which outweighs the conflicts with the development plan relating to the built-up area boundary. This is the case despite the conflicts with BUAB policies and provisions of paragraph 14 of the Framework. The adverse impacts do not significantly and demonstrably outweigh the benefits and the application is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2

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

 - Location Plan - 01
 - Block Plan - 02 A
 - Proposed Site Plan - 03
 - Proposed Site Sections - 10
 - Proposed Floor Plan and Elevations (carports) - 09
 - Proposed Floor Plan and Elevations Plot 6 - 08
 - Proposed Floor Plans and Elevations Plot 3 - 06
 - Proposed Floor Plan and Elevations Plot 2 - 05
 - Proposed Floor Plan and Elevations Plot 1 - 04
 - Proposed Floor Plan and Elevations Plots 4 and 5 - 07 A
 - Proposed Materials Plot 4/5/6 - 12
 - Proposed Materials Plot 1/2/3 - 11
 - Drainage Strategy Report 2025

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

- 3 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Reptile Mitigation Strategy shall include the following:

1. Purpose and conservation objectives for the proposed works.
2. Review of site potential and constraints.
3. Detailed design(s) and/or working method(s) to achieve stated objectives.
4. Extent and location/area of proposed works on appropriate scale maps and plans.
5. Type and source of materials to be used where appropriate, e.g., native species of local provenance.
6. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
7. Persons responsible for implementing the works.
8. Details of initial aftercare and long-term maintenance of the Receptor area(s).
9. Details for monitoring and remedial measures.
10. Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 4 No development/demolition/levels changes (apart from any survey works required by other conditions) shall take place and no machinery shall be introduced to the site, unless and until written confirmation supported by photographic evidence is provided from the Arboricultural Expert representing the site owner(s) to demonstrate that all protective fencing and ground protection has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on the Tree Protection Plan within the 'Arboricultural Implications Assessment and Method Statement - 231579 AIA 3.'

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Arun Local Plan policies D DM1 and ENV DM4. It is necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 5 Construction of the development shall not commence until details of the means of foul sewerage have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

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

- 6 No development shall take place, (or such other date or stage in development as may be

agreed in writing with the Local Planning Authority), until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following.

1. Risk assessment of construction activities potentially damaging to biodiversity.
2. Identification of "biodiversity protection zones".
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements).
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons and lines of communication.
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
8. Use of protective fences, exclusion barriers and warning signs.
9. Containment, control, and removal of any invasive non-native species present on site.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 7 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the Local Planning Authority. The detailed design must be based upon and build on the surface water information submitted pursuant to condition 2. The full details submitted for approval shall include:

1. Detailed drainage plans conforming to Local Planning Authority guidance,
2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
3. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. No building shall be occupied until the complete surface water drainage system serving that building has been implemented in accordance with the agreed details. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority. The local authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: In order to comply with Arun Local Plan policies W DM1 and W DM3 and the NPPF.

- 8 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted

to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 9 No development above damp-proof course (DPC) level shall take place until, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the ' Ecological Assessment V1' shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 10 Prior to the occupation of the development hereby approved, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) and GN08 2023. "Bats and Artificial Lighting at Night" but also:

1. Identify those areas/features on site that are particularly sensitive for bats or that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

2. Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white (The recommended Kelvin level is 2700) with a clear view, no UV a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with Arun Local Plan policies QE SP1 and ENV DM5.

- 11 No development above damp-proof course (DPC) level shall take place until details of all external materials to be used on the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with the approved details and thereafter retained. This shall include details of the materials, finish, and colour.

Reason: To preserve the appearance and special character of the buildings for the future in accordance with Arun Local Plan policies HER SP1 and D DM1.

- 12 No development above damp-proof course (DPC) level shall take place until details of all walls and fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such walls and fences associated with them and the whole site have been erected.

Reason: In the interests of amenity in accordance with Arun Local Plan policy D DM1.

- 13 No development above damp-proof course (DPC) level shall take place until precise details of the construction of the flintwork shall be submitted to and approved by the Local Planning Authority and the details so approved shall be used in the construction of the buildings.

Reason: To preserve the appearance and special character of the building for the future in accordance Arun Local Plan policies HER SP1 and HER DM2 and the NPPF.

- 14 Prior to their insertion details of the windows and doors including their design/appearance (including elevation), specification, glazing bars, glazing (system), method of opening, decorative/protective finish (i.e. stain/paint and colour) and location within the reveal, in the form of drawings and sections of an appropriate scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors are installed.

Reason: To enable the Local Planning Authority to control the development in detail by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policy HER SP1 and HER DM2.

- 15 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the 'Proposed Site Plan -03'. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Arun Local Plan policy T SP1.

- 16 All activity at the site is to be carried out in strict accordance with the 'Arboricultural Implications Assessment and Method Statement -231579 AIA 3.'

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not

compromised, and they can continue to enhance the landscape and amenity of the area in compliance with Arun Local Plan policy ENV DM4.

- 17 The development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 18 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1.

- 20 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

- 21 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and

2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

22 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year + climate change allowance storm event on site.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design.

Designers are guided to refer to "Sustainable drainage systems: non-statutory technical standards" and The SuDS Manual by CIRIA as these guide our decisions about the design, maintenance, and operation of sustainable drainage systems. Supplementary guidance notes and design checklists regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> and <https://www.arun.gov.uk/surfacewater> on Arun District Council's website

23 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

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

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

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

- 25 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 26 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 27 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.