

Recommendation Report for Planning Permission

REF NO:	WA/105/25/PL
LOCATION:	Cherry Tree Nursery Eastergate Lane Walberton BN18 0BA
PROPOSAL:	Removal of residential caravan and erection of 1 No. self build dwelling (resubmission of WA/52/25/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the removal of a residential caravan and the construction of a three-bed detached dwelling with parking and private amenity space. The design of the dwelling is a simple rectangular building with a dual-pitched roof running front to rear, and rooms partly in the roof space. Pitched roof gable dormers are present at both the front and rear. The dwelling will be constructed using multi-stock bricks with red brick detailing (including quoins, soldier lintels, and cills), and finished with a plain clay tile roof. This is a resubmission of application WA/52/25/PL.
SITE AREA	0.10 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dph
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fence.
SITE CHARACTERISTICS	Residential garden land containing one mobile home and gravel parking area.
CHARACTER OF LOCALITY	Residential, agricultural including equine and commercial (horticulture) land. There are 14 agricultural workers mobile homes to the immediate north. To the immediate east and west are residential dwellinghouses.

RELEVANT SITE HISTORY

WA/52/25/PL	Removal of residential caravan and erection of 1 No. self-build dwelling. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL	Refused 06-11-25
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liable.

Noted.

REPRESENTATIONS

Walberton Parish Council - No comment received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - Advice with conditions suggested.

- WSCC mapping data indicates there have been no highways accidents or personal injury claims at the point of access to Cherry Tree Nursery from Eastergate Lane.
- The access route is an existing arrangement, and has functioned for some time. Vehicle speeds within the access are anticipated to be low and as such would allow time for vehicle manoeuvres and oncoming vehicles to anticipate any conflicts within the access and react accordingly.
- The WSCC parking demand calculator outlines that 3 spaces would be anticipated to serve a dwelling of this size. The plans show a provision of 2 parking spaces to serve the dwelling, the LPA may wish to consider the shortfall from an amenity perspective.
- Overspill parking would not be anticipated to occur within the publicly maintained highway at this location due to the nature of the road.
- The residential use of the caravan would generate similar trip movements such that the proposed development is similar in character.
- The plans show cycle parking. This should be conditioned as part of any approval.

South Downs National Park - No comments to make.

Environmental Health - No objection with conditions suggested.

ADC Drainage Engineers -13/01/2026 - Objection.

- No specific discharge location has been specified, only implied. Infiltration remains unproven as no groundwater monitoring or infiltration testing has been carried out.
- The existing discharge location has not been proven, or specific details provided.
- No surface water should drain to the foul sewer.
- Potential other discharge locations are identified, however, no details have been submitted in respects of these.
- It is not possible to assess if floor risk will be increased.
- Other details including interception details, incorporation of biodiversity, amenity and water quality benefits have not been identified, however these are not expected to impact the scale and layout of development.

ADC Drainage Engineers - (25/3/2026) - No objection subject to conditions.

- Rainwater harvesting via water butts is considered proportionate; detailed specification can be secured

by condition

- Connection to the culverted ordinary watercourse is acceptable in principle, with formal consent and highway approvals to be addressed at condition stage
- Interception drainage is partly adequate via permeable paving; additional SuDS planters are proposed and to be detailed later
- Revised discharge rate of 0.2 l/s is acceptable, with further details on blockage protection required by condition
- Water quality measures using permeable paving and SuDS planters are acceptable
- Relaxation of amenity and biodiversity standards is supported due to site constraints, with opportunities for minor enhancements through SuDS features
- Outstanding details, including maintenance and operation, can be secured through planning conditions

ADC Ecologist - No objection with conditions suggested

- The site is in the Singleton and Cocking SAC 1200m HRA buffer, given the scale and nature of the development an appropriate assessment is not required.
- The Preliminary Ecological Assessment (PEA) has not identified impacts to protected species. No further surveys are required.
- The PEA makes recommendations for ecological enhancements in section 6 which include the installation of bat boxes, swift boxes and native planting. These should be secured via condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Lidsey Flood Risk Zone

Lidsey Treatment Catchment Area

Area of Special Control of Adverts

Outside Built-up Area Boundary

WSCC Mineral Consultation Area

Singleton and Cocking Tunnels SAC Buffer Zone

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
ECCSP1	ECC SP1 Adapting to Climate Change
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
WDM3	W DM3 Sustainable Urban Drainage Systems
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WSP1	W SP1 Water

[Walberton Neighbourhood Plan Policy 2017 HP1](#)

Spatial Plan of the Parish

REPORT_1011(ODB)

Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPDG	National Design Guide

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 is considered to comply with relevant Development Plan policies in that no conflict with the Plan has been identified except for the policy controlling the location of development. The site is surrounded by other residential uses, and has an existing residential use itself, it does not appear or act like an area of open countryside.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

BIODIVERSITY NET GAIN

This application not is liable for Biodiversity Net Gain (BNG) as it is identified as self-build and is therefore exempt.

CONCLUSIONS

PRINCIPLE

The Development Plan comprises the Arun Local Plan (ALP), the Walberton Neighbourhood Development Plan 2, that was made in 2021 (WNDP) and the West Sussex Waste and Minerals Plans.

The site is outside the Built-Up Area Boundary (BUAB), in the designated Countryside. New development should be focussed within the BUAB, according to ALP policy SP SD2. Policy HP1 of the WNDP relates to the BUAB and states proposals for development outside the BUAB, that do not accord with the development plan policies in respect of the countryside, will be resisted unless it meets one of the strict criteria. Policy C SP1 notes countryside locations will be recognised for their intrinsic character and beauty.

The provisions of policy HP1 and policy C SP1 preclude residential development on the site. The principle of development on the site is, thereby, contrary to the development plan.

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year Housing Land Supply ALP Policy C SP1 is out of date and the presumption in paragraph 11(d) (the so called "tilted balance") applies.

Paragraph 14 of the NPPF (20 December 2024) relating to the status of neighbourhood plans is of relevance in this instance. Paragraph 14 says that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

The made WNDP is less than 5 years old (although in July 2026 the plan will be 5 years old) and sites for the allocation of housing have been provided within the WNDP. Accordingly, Paragraph 14 of the NPPF is a material consideration to which significant weight should be attached.

CHARACTER AND APPEARANCE

ALP Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Trees, Layout, Density and Scale. ALP policy D SP1 requires development to make an effective use of the land.

Policy HP 13 of the WNDP requires that new development must contribute to local character by creating a sense of place appropriate to its location. HP 11 states the density of new development shall be appropriate to its location.

Para 135 of the NPPF requires development to be visually attractive as a result of good architecture, layout, be sympathetic to local character and history, including the surrounding built environment and landscape setting and maintain a strong sense of place.

Part Q of the Arun Design Guide (ADG) requires development to sensitively fit into its setting in order to respect the character of the District's countryside areas.

The proposal seeks to remove a mobile home and replace it with a dwelling. The mobile home is typical in appearance for such structures, measuring approximately 14m in length and 4m in width. It is towards the rear of the plot, resulting in a substantial frontage that functions as private amenity space, enclosed

by 1.8m high close-boarded fencing. The mobile home is of no architectural merit and is largely screened from public view, with only limited visibility from the street.

The replacement dwelling would measure approximately 10m in width, 9m in depth, and 8.3m in height. While the ridge height would be marginally higher than that of the neighbouring properties, the scale is not considered unduly prominent due to the generous separation distances between dwellings. The new dwelling would be positioned slightly behind the front building line established by Longacres, located immediately to the east, and would sit approximately 37m closer to the highway than the existing mobile home. This repositioning would reinforce the linear pattern of development along Eastergate Lane. As a result, the dwelling would be more visible from the highway and would have a more pronounced impact on the character of the area.

The character of the surrounding area is mixed, with a variety of dwelling styles evident. On the northern side of Eastergate Lane, the prevailing form consists of larger detached properties, both single and two-storey, typically set well back from the road with verdant frontages that contribute to a sense of openness. The site is an anomaly in this context. Other parts of Eastergate Lane exhibit a more rural character, with hedgerows enclosing the highway and maintaining a green corridor. The proposal includes retention of the existing high boundary treatment, which is considered a missed opportunity to enhance the visual quality of the site and better integrate it with the surrounding context.

Part G of the ADG advises that rural settlements should achieve a density of approximately 5-15 dwellings per hectare for detached and semi-detached properties. This range seeks to balance efficient land use with the preservation of local character. The development would result in a density of 10 dwellings per hectare, which is consistent with the guidance. The layout would not result in the loss of open views or encroachment into the countryside, as the dwelling replaces an existing, albeit temporary, structure and is in an established area with built development. The scale and layout are appropriate in terms of character.

The dwelling adopts a traditional design, with accommodation partially within the roof space. The front elevation features two modestly sized pitched-roof dormer windows, with three to the rear, contributing to a well-balanced and proportionate appearance. The building's simple rectangular form and restrained detailing are consistent with Part Q of the ADG, which recommends that buildings in rural locations adopt uncomplicated forms to reflect their setting.

Overall, the replacement dwelling would not result in an intensification of use and is considered acceptable in terms of its appearance, scale, layout, and density. The proposal is therefore considered to accord with ALP policy D DM1 and policies HP11 and HP13 of the WNDP.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Part H of the ADG sets out guidance on garden depths and interface distances between houses.

The dwelling would be between 3.2m and 3.5m from the eastern boundary, and between 7.88m and 8m from the western boundary, including the access drive. It has been demonstrated on plan that the dwelling does not interfere with the 45-degree sight line (which would extend from Fairfield's nearest ground floor window), indicating that the dwelling would not adversely affect light levels to that property.

The dwelling on the eastern flank has front and rear elevations that extend further forward and back within its plot, such that the dwelling would not cause demonstrable harmful impact light levels to either the front or rear of that neighbouring property. In terms of overbearing and overshadowing effects, the

dwelling is appropriately located within its plot, and there would be no significant harm to neighbouring occupiers.

There are no first floor side facing windows which would cause overlooking of neighbouring properties.

With regard to the impact on the amenity of the local environment, a purpose-built dwelling represents a more visually appropriate solution for the residential land than a temporary structure, which would inevitably deteriorate in visual quality over time. Although it is acknowledged that the visual improvements to the land would be neutralised to some extent due to the limited impact the existing mobile structure has on the street scene.

Overall, the development would not harm the quality of the environment, nor would it have any significantly negative impacts on existing local residents. The proposal accords with ALP policies D DM1 and QE SP1.

QUALITY OF ACCOMMODATION

ALP policy D DM2 requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards provide the current guidance. A 3 bed-6 person dwelling should provide a minimum of 102sqm over two floors. The internal spaces for the proposed dwellings would significantly exceed the current standards. at approx. 150sqm. The development accords with ALP policy D DM2.

There is ample garden space provided for future occupants which is both private and useful. This accords with Part H of the ADG.

The proposal accords with ALP policy D DM2 and Part H of the ADG.

TRAFFIC & ROAD SAFETY

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should create a safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

According to the requirements of the Parking Standards Supplementary Planning Document (SPD, January 2020), two parking spaces are required for a three-bed dwelling in Parking Behaviour Zone 1. This differs from WSCC's own parking generation calculations. Even when considering the higher level of parking demand that this scheme could generate, the narrow character of the road would prevent overspill parking on the highway.

In line with the Government's 'Road to Zero' strategy, which aims for at least 50% of new car sales to be ultra-low emission vehicles by 2035, electric vehicle (EV) charging points should be provided for all new homes. The submitted plans indicate two parking spaces per dwelling, which satisfies the requirements of the SPD. This parking area currently serves the mobile home, and the established access point, already used for other structures including dwellings, will be retained.

The SPD requires cycle storage provision for two bicycles per dwelling. As EV charging points and cycle storage have not been indicated on the submitted plans, details of these can be secured by condition.

West Sussex County Council Highways confirmed the proposal would not result in an unacceptable impact on highway safety, nor would it lead to 'severe' cumulative impacts on the operation of the highway network. Subject to conditions securing vehicular and cycle parking and EV charging provision, the proposal would accord with ALP Policy T SP1, the Arun Parking Standards SPD, and the NPPF.

ECOLOGY

ALP policy ENV SP1 encourages and promotes the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites.

Although the Preliminary Ecological Appraisal (PEA) did not initially identify it, the site lies within the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). This area is protected due to its functional linkage as feeding grounds for Barbastelle and Bechstein's bats. The PEA has subsequently acknowledged and discussed the potential impacts the proposal may have on these qualifying features.

The PEA identifies that the site lies within 7km of the Duncton to Bignor Escarpment SAC, which is designated for its deciduous woodland, scrub, and grassland habitats. As the development would not directly impact this site, no harm is identified to its qualifying features, and it is not considered further in this assessment.

The PEA has considered the potential presence of protected species including badgers, hazel dormice, reptiles, hedgehogs, amphibians, invertebrates, and birds. No evidence of these species or suitable habitat was found on site.

The PEA has made recommendations including the provision of bat boxes, bird boxes and native planting. Conditions will be applied to secure these features to ensure acceptability of the development in terms of ecological preservation. It has also been recommended by the Council's Ecologist to include a condition regarding external lighting of the property to require permission; this is considered to be appropriate due to the harm external lighting can have on bats.

An Appropriate Assessment under the Habitats Regulations has been scoped out, given the absence of suitable habitat, the limited scale of the development, and the existing use of the land.

The proposal is considered to accord with ALP Policy ENV SP1.

BIODIVERSITY

ALP policy ENV DM5 requires that development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. This scheme has been identified as a self-build such that the statutory requirements of the Environment Act 2021 do not apply. The self-build declaration shall be secured via legal agreement.

The application is accompanied by a PEA where the opportunities for biodiversity enhancement have been suggested. It is noted that bat and swift boxes are proposed along with native landscaping. The Design and Access Statement indicated that hedgehog housing will be provided. However, simple modifications to the design such as small mammal holes in the close boarded fence have not been provided, and would be required with the inclusion of hedgehog homes. Given the rural location the biodiversity enhancements proposed by the applicant along with additions (small mammal holes) can be conditioned.

Subject to a condition securing mitigation measures set out in the PEA, the development is in accordance with ALP Policy ENV DM5.

FLOODING AND DRAINAGE

ALP policy W SP1 states that development will be encouraged to make water efficiency measures, enhance the quality of the water environment and will be encouraged to make active use of surface

water as a design feature where it can provides additional flood relief. Policy W DM1 states minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within The Lidsey Treatment Catchment area, must also be accompanied by a Drainage Impact Assessment. ALP Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

W NDP policy VE7 states development should aim to reduce flood risk by; requiring surface water management measures including according with the drainage hierarchy providing groundwater monitoring and infiltration testing, and consideration should be given to the use of SuDS in development.

The NPPG (056), the SuDS Manual and the National Standards for Sustainable Drainage Systems (which the NPPG guides designers towards (057)) outlines the key principle of SuDS. This includes applying the drainage hierarchy, which prioritises discharge locations for surface water falling on site. These documents are clear, each priority location should be fully optimised to discharge surface water before moving to on to the next priority location. Robust evidence is required to prove a discharge location is not feasible, cost, ease of discharging to a location or existing historic non-compliant connections are not appropriate justification. Where a designer is seeking not to utilise the upper most priority location; evidence should include groundwater monitoring and infiltration testing at the location and to the depth of infiltration feature.

The site lies in the Lidsey Wastewater Treatment Catchment Area. The site is in Flood Zone 1 (no future risk of this changing).

The engineers initially objected because the proposed surface water drainage strategy did not demonstrate compliance with the Non Statutory Standards for Sustainable Drainage and raised several concerns about feasibility and design. While discharge to a watercourse was acceptable in principle due to shallow groundwater, the applicant had not shown that this solution could be delivered. There was no evidence of rights to cross third party land, nor confirmation from the Lead Local Flood Authority (LLFA) that a connection to the culverted watercourse would be acceptable. The proposed discharge rate was also significantly higher than the greenfield runoff rate and did not follow guidance to limit flows as close as practicable to greenfield levels and accurately manage extreme rainfall events and flooding.

Further to a set of amendments, these issues have been rectified by the applicant. Infiltration to the site has been ruled out by ground investigations; instead, it is proposed to connect to a culverted watercourse on the southern boundary of the site. An Ordinary Watercourse Consent (OWC) will be required to connect to this, but ADC engineers consider this acceptable in principle, subject to securing further technical details at the condition stage. The rate of discharge has been agreed by the applicant, with further technical details to be secured by condition regarding the risk of blockage.

Subject to securing these technical details by condition, the proposal provides SuDS in accordance with the NSfS, having fully ruled out higher priority discharge locations prior to settling on the proposed method. It has been confirmed that surface water will leave the site in accordance with the NSfS, resulting in a development which will not increase flood risk on site or elsewhere.

The proposal accords with policy W DM3 and gains support from ALP policy W SP1 and the NPPF.

CLIMATE CHANGE

ALP policy ECC SP2 relates to energy and climate change mitigates and states that development should utilise energy efficient measures that reflect current standards, use design and layout to promote energy efficiency and incorporate decentralised, renewable and low carbon energy supply systems in development.

Plans and the Design and Access Statement indicates that reductions in CO2 emissions over that prescribed by Part L will be achieved by:

- Provision of Air Source Heat Pumps (ASHP)
- Fabric first approach to reduced energy demand.
- Inclusion of 16 Solar panels.

These features could be controlled by condition and are acceptable and accord with ALP Policy ECC SP2.

SUMMARY

The site lies outside the Built-Up Area Boundary (BUAB) and is designated as countryside under the ALP. While this location typically precludes residential development, the site does not exhibit the intrinsic character or beauty associated with open countryside, nor does it function as such, being already in residential use. Although the proposal conflicts with ALP Policy SD SP2, it does not undermine the aims of Policy C SP1.

The replacement of a mobile home with a purpose-built dwelling would result in a modest enhancement to residential amenity and energy efficiency. The development would achieve appropriate density in line with guidance and maintain the prevailing character of the area. It would not intensify land use and is considered acceptable in terms of scale, layout, and appearance, aligning with ALP policy D DM1 and WNDP HP13. The dwelling would provide high-quality accommodation exceeding national space standards, with sufficient private garden space, and would not result in harm to neighbouring amenity. The proposal satisfies ALP policies D DM2 and QE SP1. These benefits would be afforded modest weight for the proposal.

Surface water drainage will be discharge in accordance with local and central government guidance and it offer a betterment over the historic connections expected on the mobile home. It is proven that surface water will drain in natural way to the watercourse and that the proposal will not increase flood risk on site or elsewhere. This benefit would be afforded significant weight for the proposal.

In terms of transport, the scheme provides compliant parking provision and retains an existing access point. Although EV charging and cycle storage are not shown, these can be secured by condition and the proposal accords with ALP policy T SP1. Ecological impacts have been assessed, and no harm is identified to designated sites or protected species. Biodiversity enhancements are proposed and can be secured by condition, ensuring compliance with ALP policies ENV SP1 and ENV DM5. These benefits would be afforded neutral weight.

Paragraph 11(d)(ii) of the NPPF is engaged. While the proposal would deliver a replacement dwelling, it would not make a contribution to overall housing supply and is afforded neutral weight in the planning balance. Paragraph 14 of the NPPF also applies. As set out above, the proposal gives rise to conflict with policy C SP1 in respect of the location of development, but is otherwise in accordance with the Development Plan.

Policy C SP1 seeks to protect the intrinsic beauty of the countryside. However, in this instance, the site is within a ribbon of existing residential development along the highway, is enclosed by close boarded fencing of an urban character, and is already in established residential use. As such, it does not strongly reflect the characteristics typically associated with open countryside. The degree of harm arising from conflict with this policy is considered to be limited and attracts only minor weight.

Taking all matters into account, and having regard to the presumption in favour of sustainable development, the proposal is recommended for approval, subject to the conditions and informatives set out below.

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.

SECTION 106 DETAILS

This application is subject to a Section 106 agreement that secures the development as a 'self-build' development for the purposes of Statutory Biodiversity Net Gain.

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

- 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:
 1. Location Plan 1A
 2. Block Plan 2A
 3. Proposed Floor Plans and Elevations 4
 4. Proposed Site Plan 3

5. Cycle Storage

6. Bin Storage

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies C SP1 and D DM1.

- 3 Prior to the occupation of any part of the approved building, the applicant or developer shall provide electric vehicle charge points to serve the parking spaces associated with the approved building in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 30% of parking spaces (rising to 50% from 2028 and 100% from 2033).

The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). 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.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved document 'Cycle Storage'. The spaces so provided shall be retained in perpetuity.

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

- 5 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Section 6 of the 'Preliminary Ecological Appraisal by LHB Ecology 28/08/25', 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 and species).

- 6 Prior to any part of the new development being first occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white 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.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species) and Arun Local Plan policy ENV DM5

- 7 Prior to the commencement of development, full details of the proposed Surface Water

Drainage Scheme (SuDS) 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 WA/105/25/PL. The full details submitted for approval shall include:

1. Sufficient groundwater monitoring, over an appropriate period.
2. Sufficient infiltration testing in accordance with BRE DG 365 or similar approved, at appropriate times.
3. Details of the proposed method and location of surface water disposal, in accordance with the SuDS hierarchy.
4. Impermeable area or catchment plan.
5. Calculations modelling the surface water drainage network for the following storm events:
 - A. 100% Annual Exceedance Probability,
 - B. 10% AEP + climate change allowance,
 - C. 3.3% AEP + climate change allowance,
 - D. 1% AEP + climate change allowance.All storm events must include an allowance for urban creep and surcharged outfalls where appropriate.
6. An interception assessment showing that the first 5mm of rainfall for the majority of rainfall events does not result in runoff from the site.
7. A water quality assessment to ensure sufficient treatment of potential pollutants.
8. Detailed drainage plans conforming to Local Planning Authority guidance.
9. Details of the phasing arrangements for the approved surface water drainage design (if required). Each drainage design phase of development must be able to operate in isolation from later phases.
10. A plan showing existing and proposed trees, and their potential at maturity, and ensuring no conflicts between with the surface water drainage design.
11. A plan showing the impact of the proposed development on existing watercourses and any proposed protection there of (where applicable).
12. Details of any necessary permissions relating to the discharge location and works to watercourses.
13. Any other relevant information in accordance with Local Planning Authority guidance.

The scheme shall then be constructed as per the approved plans. The dwelling shall not be occupied until the complete surface water drainage system serving that building & associated development, 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 SuDS scheme for the lifetime of the development, and as required

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W DM1 and W DM3, and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that works required to control flood risk are implemented at the correct stage in construction.

- 8 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.

- 9 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

- 10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the NPPF.

- 11 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).