

Recommendation Report for Outline Consent

REF NO: WA/109/24/OUT

LOCATION: Sussex Business Village  
Lake Lane  
Barnham  
PO22 0AL

PROPOSAL: Outline planning permission for 3 No. attached dwellings with associated gardens, access and parking. This application is in CIL zone 3 (CIL liable as new dwellings) and is a dual parish application with Yapton Parish Council.

SITE AND SURROUNDINGS

|                                 |   |
|---------------------------------|---|
| DESCRIPTION OF APPLICATION      | Outline planning permission for 3 No. attached dwellings with associated gardens, access and parking. All matters are reserved.   |
| SITE AREA                       | 0.2 ha.   |
| RESIDENTIAL DEVELOPMENT DENSITY | 15 dwellings per ha.  |
| TOPOGRAPHY                      | Predominantly flat.   |
| TREES                           | None of any significance affected by the proposed development. Some small trees of high potential are to be removed, however those of value are to be retained. A TPO is in place on site (TPO/WA/2/25), with two protected trees being within the close proximity of the development. These trees are proposed to be retained. |
| BOUNDARY TREATMENT              | Grass verge, with timber post and rail fencing along the north to eastern boundary.   |
| SITE CHARACTERISTICS            | Ancillary open green space associated with Sussex Business Village. This land forms the entrance to the village, with vehicular and pedestrian access skirting from the eastern entrance, and arching along the northern boundary to adjoin the parking area for use by staff and visitors of the business park.                |
| CHARACTER OF LOCALITY           | Rural countryside setting. Abuts the residential outskirts of Barnham to the west, with multiple horticultural nurseries situated on land to the north, east and south. Two direct residential neighbours; Bowley Cottage to the south, and Todhurst Farm House to the west.  |

RELEVANT SITE HISTORY

|              |  |   |
|--------------|--|---|
| WA/90/17/OUT | Outline application with all matters reserved for the development of 15 No. dwellings. This application is a | Withdrawn<br>01-03-18<br>REPORT_1011(ODB) |
|--------------|--|---|

## Departure from the Development Plan.

Relevant planning history noted.

## REPRESENTATIONS

Walberton Parish Council - Support:

- Provided that any future development on this site remains within the agreed density and parameters of the Neighbourhood Plan ref: WNP/HP16 2020

Yapton Parish Council - No response.

No representations received from nearby occupiers.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ADC ECOLOGY:

No objection subject to conditions.

ADC ENVIRONMENTAL HEALTH:

No objection subject to conditions, including pre-commencement.

ADC DRAINAGE ENGINEERS:

Objection. The detailed design of the surface water drainage scheme can be dealt with via appropriate conditions. However, it has come to light that existing trees (subject to TPO's) are in direct conflict with the proposed drainage scheme. As such, the scheme as proposed cannot be supported until such a time that the conflict is resolved.

WSCC HIGHWAYS:

No objection.

SOUTHERN WATER:

Applicant advice.

NATURAL ENGLAND:

No response.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Pre-commencement conditions have been agreed in writing by the Applicant. The Drainage Engineers objection is explained further below.

## POLICY CONTEXT

Outside Built-Up Area Boundary (Countryside)  
 Neighbourhood Plan Allocated Site (WNP / Policy HP16 2020)  
 Medium potential of Groundwater Flooding  
 Flood Zone 1  
 CIL Charging 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                                      |
| ECCSP1 | ECC SP1 Adapting to Climate Change                |
| ECCSP2 | ECC SP2 Energy and climate change mitigation      |
| ENVDM4 | ENV DM4 Protection of trees                       |
| ENVDM5 | ENV DM5 Development and biodiversity              |
| ENVSP1 | ENV SP1 Natural Environment                       |
| HSP1   | HSP1 Housing allocation the housing requirement   |
| QEDM1  | QE DM1 Noise Pollution                            |
| QEDM2  | QE DM2 Light pollution                            |
| QESP1  | QE SP1 Quality of the Environment                 |
| SDSP1  | SD SP1 Sustainable Development                    |
| SDSP2  | SD SP2 Built-up Area Boundary                     |
| TSP1   | T SP1 Transport and Development                   |
| TDM1   | T DM1 Sustainable Travel and Public Rights of Way |
| WDM1   | W DM1 Water supply and quality                    |
| WDM2   | W DM2 Flood Risk                                  |
| WDM3   | W DM3 Sustainable Urban Drainage Systems          |
| WMDM1  | WM DM1 Waste Management                           |
| WSP1   | W SP1 Water                                       |

### Walberton Neighbourhood Plan Policy 2019-2031      Car Parking GA3

Walberton Neighbourhood Plan Policy 2019-2031      Built up boundary (BUAB)  
 HP1

Walberton Neighbourhood Plan Policy 2019-2031      Housing Density  
 HP11

Walberton Neighbourhood Plan Policy 2019-2031      Design Guidance  
 HP13

Walberton Neighbourhood Plan Policy 2019-2031      Sussex Business Park  
 HP16

Walberton Neighbourhood Plan Policy 2019-2031 7      Biodiversity Corridors  
 VE10

Walberton Neighbourhood Plan Policy 2019-2031      Protection of Trees and Hedgerows  
 VE3

Walberton Neighbourhood Plan Policy 2019-2031      Surface Water Management  
VE7

Walberton Neighbourhood Plan Policy 2019-2031      'Unlit village' status  
VE8

#### 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 complies with relevant Development Plan policies in that the principle would not be adversely harmful to the character of the area, visual and residential amenity, biodiversity, flooding and highways.

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

Onsite habitat unit delivery comprising urban trees and modified grassland to provide 0.12 habitat units.  
Total net % change will be 10.32%.

|                    |
|--------------------|
| <b>CONCLUSIONS</b> |
|--------------------|

**PRINCIPLE**

Policy C SP1 of the Arun Local Plan (ALP) states residential development in the countryside outside the Built-Up Area Boundary (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.

The Walberton Neighbourhood Development Plan (WNP) was made on the 14/07/21. Policy HP 16 2020 allocates the Sussex Business Park for development, subject to compliance with the following criteria:

'Development comprising the retention of commercial units, and where in accordance with Policy CL2 of this plan, conversion of existing buildings to residential use will be supported. New building for residential development may also be permitted as part of a mixed-use scheme comprising approximately 11 dwellings in total. Development should be located and designed so that it will not result in unacceptable impact upon residential amenity.'

The proposal would provide three dwellings towards this neighbourhood plan allocation, whilst retaining additional land to meet the further requirements of the policy. Therefore, in this case, whilst conflicting Arun Local Plan policy, the proposal is in accordance with the Walberton Neighbourhood Development Plan, and would provide residential development in a location specified by the Parish Council. The application is advertised as dual parish with Yapton. Only a very small part of the site is within Yapton and the entrance.

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

In this case, the proposal is in accordance with Para 11(c) of the NPPF, which concerns approving development proposals that accord with an up-to-date development plan without delay. The WNP is in date, being under 5 years old in accordance with Para 14 of the NPPF. Therefore, subject to compliance with all other matters discussed below, the principle of development is acceptable.

**DESIGN, VISUAL AMENITY AND CHARACTER OF THE AREA**

D SP1 and D DM1 (ALP) are consistent with NPPF provisions in that they require development proposals to make efficient use of land but reflect the characteristics of the site. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 requires development to have regard to character, appearance, density, and scale.

The WNP has two design based policies for housing developments: HP 11, which concerns housing density and ensuring the density of new development is appropriate to its location by virtue of size, siting and relationship to existing properties, and; HP 13 which states that new development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and contribute to local character.

The site comprises a modest open green space to the east of Sussex Business Village, forming a natural entrance to the commercial land. This green space is currently landscaped with grass and a number of trees; ranging from small to medium in size, and with high potential amenity value. The current character

of this space is complimentary to the countryside rural appearance of Lake Lane, which is characterised by grass verges, hedgerows, trees and shubbery. Being a fairly narrow and enclosed lane, the openness of this land contributes to uninterrupted views of the business park from the highway, and positively benefits the visual appearance and natural qualities of the area. Development of this land would subsequently remove the existing open and rural character; and as such any proposals for the land should ensure priority that as much of the green countryside character is retained.

The proposal indicates the layout of the developed site would comprise a rectangular built form to the north of this green space, which would provide three one and half storey dwellings set out in a terraced row. These dwellings would face north and abut the access road to the business park, with ancillary parking and amenity space to the front. To the rear elevations, and facing onto Lake Lane, there would be rear garden amenity spaces, which would project south towards the road. A buffer would be retained between the southern boundary of these gardens, to preserve the existing green character, and soften the space between the road and dwellings. In addition, this buffer would be retained as space to contribute to the biodiversity of the site. A layout such as this, if proposed at reserved matters, would likely be acceptable. However, it would be requested that the southern boundary treatment of the gardens be a soft natural boundary such as hedging of native species, rather than hard landscaping such as timber close boarded fencing. This is to ensure the soft, green and natural appearance of Lake Lane is respected, and contributes to the natural buffering and trees proposed to abut the road.

An indicative design of the terraced dwellings has been provided. This design shows a rural and traditional character style to the properties. The massing would be minimal, with a uniform clipped gable / barn style roof. Each dwelling would be analogous in feature pattern, with all having a gable end to the northern elevation, and small pitched roof dormers to the north and south. It is indicated red brick would be used, with plain multi-red tiles. This would reflect the materiality of the surrounding buildings. Overall, the design is considered to be congruent and complimentary to the character and appearance of the surrounding area, incorporating architectural features and vernacular which are appropriate for the rural locality. A design such as this proposed at reserved matters stage would be preferential.

The scale, layout, and massing of three one and half storey dwellings on this site, as shown, is considered to be in accordance with D DM1 of the Arun Local Plan and would be appropriate for this location in terms of visual amenity and character. Since the provided drawings of the proposed dwellings are illustrative only this proposal cannot be judged in terms of character and design, however the general size of the plot is capable of accommodating an appropriately designed dwelling in compliance with ALP policies D DM1 and D SP1, the Arun Design Guide, and policies HP 11 and HP 13 of the WNP.

## RESIDENTIAL AMENITY

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 135(f) of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The site is situated approximately 30m from the nearest neighbouring property (Bowley Cottage), and is separated by the highway. As such, the introduction of 3 no. dwellings on the land would not result in adverse overbearing, overshadowing or overlooking. The key issues posed to residential amenity would therefore be resultant disturbance and noise pollution from future occupiers.

The proposal would seek 3 no. dwellings, with potential capacity for up to 6 occupiers in each property. This would total up to 18 occupiers on the land, with 2 vehicles. Whilst this would materially alter the

character and noise of the site, given the distance retained from neighbouring properties, and consideration that the rest of the site is commercial in character, there would not be a detrimental impact to the residential amenity of occupiers of Bowley Cottage from noise and disturbance.

ADC Environmental Health were consulted on this application, and have raised no objection subject to conditions. One of these conditions concerned noise-sensitive development near existing noise sources, and seeks to protect the amenity of future occupiers of the site. The implementation of this condition requires the applicants to submit a scheme for protecting the proposed dwellings from noise to the Council for approval prior to development, and will ensure that future occupiers are sufficiently protected from any noise sources which may have adverse impact on their amenity. This condition is acceptable and necessary for protecting future amenity.

Two further conditions regarding a lighting scheme and building service plants have been imposed below, requiring details of lighting and an acoustic impact assessment be submitted. This is required to ensure the development will not produce unacceptable levels of light and noise pollution, to the detriment of the quality of the local area. It will also meet the requirements of policy VE 8 (unlit village status) of the WNP. This policy ensures that developments do not detract from unlit environments, such as Lake Lane.

Subject to compliance with the conditions imposed below, and further details to be provided for consideration and assessment under a reserved matters application, the proposal would not result in adverse harm to residential amenity nor the quality of the environment, and would be in accordance with D DM1, QE SP1, QE DM1 and QE DM2 of the Arun Local Plan, and Policy VE 8 of the Walberton Neighbourhood Plan.

#### HIGHWAY SAFETY, PARKING AND ACCESS

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian, and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

Policy GA3 of the WNP states that proposals which remove existing parking in the vicinity of existing retail and commercial premises, and reduce existing available parking in the Parish will be resisted.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. For a 3 bed property in Parking Behaviour Zone 1 a minimum of 2 car parking spaces on site are required. In addition, visitor parking would need to be provided at a ratio of 20% of the number of residential units. In the interests of sustainability electric vehicle (EV) charging points should be provided for all new homes. The Arun Parking Standards SPD and policy T SP1 require new dwellings to provide electric vehicle charging points if they feature a driveway or garage. The SPD also requires the provision of 2 cycle spaces for 3+ bed houses. To accord with these requirements, a total of 6 parking spaces with 1 visitor space would be needed, and cycle storage to accommodate a cumulative total of 6 spaces.

WSCC Highways have indicated that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

The proposed block plan indicates that 7 parking spaces including 1 disabled parking space would be provided. This is in line with the requirements set out above, and would provide sufficient parking space for residents and visitors, without any negative implications on the parking associated with Sussex Business Village. A cycle store is also indicated to the western elevation; it is understood this would

provide 8 spaces. This would also be acceptable. EV charging is additionally indicated. Therefore at this stage, it is demonstrated that a suitable scheme for parking can be accommodated on site, in compliance with Arun Parking Standards, and the Arun Design Guide. This would additionally accord with policy GA3 of the WNP.

The applicant is not required to confirm the proposed parking arrangements at this stage, as these details would be considered to fall within the 'Layout' and 'Access' of a Reserved Matters planning application. Details regarding cycle parking and EV charging would also be secured in a latter application.

## SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards (NDSS).

It is not considered possible to assess the internal space standards at the current time. This is because the application is outline only, and therefore the design, scale and layout of the dwelling would be addressed within an application for Reserved Matters, were outline permission to be approved. Should the reserved matters scheme reflect the designs submitted as indicative at this stage, it is anticipated each dwelling would have an internal floor area of approximately 130 sqm; all with three double bedrooms. The NDSS requires 3 bed 6 person two storey dwellings to have a minimum floor area of 102 sqm. This far exceeds the minimum requirement, and as such demonstrates the site can accommodate a 3 dwelling scheme which meets the NDSS, and subsequently ALP Policy D DM2.

Paragraph H.04 of the Arun Design Guide SPD 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.

In respect of external standards, the site is big enough to provide sufficient front and rear garden space which would satisfy the requirement of Arun Design Guide and complies with policies D DM1 and D DM2 of the Arun Local Plan. The block plan evidences that the indicative layout would provide approximately 12m deep rear gardens for all three properties, with 2m defensible spaces to the front.

## BIODIVERSITY

Arun Local Plan 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.

New WNP policy VE10 2020 Biodiversity Corridors stresses that proposals will not be supported where there is evidence proposals would significantly harm biodiversity, unless it can be adequately avoided, mitigated, or alternatively the subject of compensation. Where proposals have an impact on Biodiversity rich habitats, a management plan shall be provided to ensure that the long-term protection and enhancement of the habitat can be achieved.

National Planning policy indicates that developments should aim to maintain and enhance, restore, or add to biodiversity and geological resources of the area. Biodiversity Net Gain is an important aspect of the Environment Bill and the NPPF. Natural England provide guidance with regard to a range of BNG measures. Arun Local Plan policy ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.



The requirement for mandatory 10% BNG came into legislation for small sites on 2nd April 2024. This site is not exempt, and as such the application has been accompanied by the required BNG information, including a Small Sites Metric. The SSM states that the site currently comprises a baseline value of 1.13 habitat units; this includes developed land, introduced shrub, modified grassland and urban trees. The proposed biodiversity net gain on site is calculated to produce a total value of 1.25 habitat units; a net increase of 0.12 units. This will be created through the planting of urban trees, modified grassland and vegetated garden. In total, the BNG percentage is 10.32%, which exceeds the mandatory 10%. A condition securing a BNG plan has been applied below.

The application has been accompanied with an Ecological Impact Assessment and Bat Emergence Survey. The ADC Ecologist was consulted on this application, and has raised no objection subject to conditions. No protected species nor impacts were identified, and no further surveys are required. Ecological Enhancements have been provided within the EIA, and secured via a condition below to ensure they are incorporated on site.

The proposal is in accordance with ENV SP1 and ENV DM5 of the ALP, and VE10 of the WNP.

## TREES

Policy ENV DM4 of the Local Plan emphasises where existing trees are on or adjacent to a developments site, developers shall be required to provide:

- d. Land and tree surveys
- e. A tree constraints plan
- f. An Arboricultural impact assessment to include a tree protection plan and Arboricultural method statement.

The WNP policy VE 3 stresses that development will be permitted where it can be demonstrated that trees/hedgerows contributing to local amenity will not be damaged or destroyed. Development that damages or results in the loss of ancient trees/trees of Arboricultural and amenity value or loss of hedgerows or significant ground cover and habitat will be resisted.

Review of the baseline and proposed habitat plans shows the loss of 7 small trees on the site. 6 trees are to be retained. No arboricultural report or tree protection plan has been provided with this application, and as such there is little detail at this stage of these trees, and provisions in place to ensure those which are retained are protected. These details will be required at reserved matters stage. Whilst not formally consulted, informal advice has been received from the ADC Tree Officer, who, whilst noting the trees have high potential, has confirmed at present that they are not high value assets. Their loss is subsequently outweighed by the benefits of the proposed development.

A Tree Preservation Order has been made on the site within the lifetime of the development (TPO/WA/2/25). This covers 1 No. Alder (T1) and 1 No. Lime (T6) which fall within close proximity of the proposed development (were the indicated layout implemented). T1 falls especially close to the footprint of Unit 3. At reserved matters stage, it must be demonstrated that the location and footprint of the dwellings will not encroach within the RPA of the TPOs, such that harm to the amenity or wellbeing of the tree is impacted. As explained in more detail below, the current drainage scheme is in conflict with the locations of these two trees, and would result in unacceptable harm to their amenity; likely resulting in their loss. Informal advice from the ADC Tree Officer has confirmed that this situation could not be supported, and the loss would be opposed due to their amenity value. It is therefore required that the scheme at reserved matters must sufficiently demonstrate no harm will occur to the trees, be it from the siting of the dwellings, or the drainage scheme.

A condition has been imposed below requiring a tree constraints plan and Arboricultural impact assessment (including tree protection plan and Arboricultural method statement) to be submitted as part of the reserved matters application. Subject to the submission of sufficient details, the proposal will accord with policy ENV DM4 of the ALP, and VE 3 of the WNP.

## ENERGY EFFICIENCY

Policy ECC SP2 relates to energy and climate change mitigates and states that developments should use 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.

It is noted that Air Source Heat Pumps and Solar Panels are indicated on the proposed plans for the site. A condition has been imposed below to ensure that the policy requirements are incorporated into the reserved matters application and the final build, securing final details of these renewable and low carbon energy systems. This ensures no conflict with policy ECC SP2 of the ALP.

## FLOODING AND DRAINAGE

ALP policy W DM2 concerns Flood Risk, requiring developments to adequately demonstrate the proposal will be safe from flooding, and will not increase flood risk elsewhere. 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.

Policy VE 7 of the WNP concerns surface water management, and requires that new development should aim to reduce the overall level of flood risk.

There is no presence of flood risk on site; the site is located in Flood Zone 1, and does not include any future or surface water flooding. There is medium risk of groundwater in this location; making the potential for an infiltration based drainage scheme more difficult as per the SUDs hierarchy. However in respect of potential for flood risk on site, and subsequent harm to future property and occupiers, this is acceptable.

In line with ALP policy W DM3, and policy VE 7 of the WNP, this application has been submitted with a potential drainage scheme, and information to demonstrate that the site is able to sustainably drain without increasing flood risk elsewhere. This has been subject to a consultation with the ADC Drainage Engineers. Whilst the scheme and submitted information demonstrates the detailed design of the surface water drainage scheme can be dealt with via appropriate conditions, conflict with on-site TPO trees has been identified. The Engineer has subsequently had to maintain objection, as raising no objection to the proposed scheme would likely result in the loss of up to two TPO trees. This prospect therefore cannot be supported at this stage.

As this application is for Outline permission, it is pertinent to note that no finalised details are being approved at this stage. Rather, only the principle for 3 No. dwellings is being approved. All further details are subject to submission under a Reserved Matters application, which will include the re-consultation with necessary consultees, and finalising of detailed designs. Therefore, in principle, it has been shown that the site can be drained. Refusing on the grounds of a scheme which is subject to change would therefore be unreasonable, and could not be warranted given no exact details, other than the location plan and principle of 3 dwellings, are being agreed at this stage. As such, it is considered to be appropriate in this instance to allow the development to proceed to Reserved Matters stage, where this matter, alongside trees, layout and landscaping, will remain a matter for consideration. If it cannot be demonstrated that the site cannot be drained at RM stage, either due to the loss of TPO trees, or lack of

certainty that the development would not result in increased flood risk elsewhere, then this would result in refusal of the detailed scheme.

Two conditions pertaining to drainage have been applied below. These have been agreed by the Drainage Engineer and the agent, under the understanding of the potential impact to protected trees, and necessity for the scheme to be amended to show that the site can be sustainably drained without the loss or harm to the TPO trees. These conditions will require that an acceptable drainage scheme be submitted at Reserved Matters stage. If no acceptable scheme can be provided, and it cannot be demonstrated that the site can sustainably drain, there is a risk that this outline permission becomes unimplementable.

Subject to compliance with conditions, and submission of acceptable details at RM stage, the development will be in accordance with ALP policies W DM2, W DM3 and W SP1, VE 7 of the WNP, and the NPPF.

## SUMMARY

The development is in accordance with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives. The recommendation is made in accordance with para 11(c) of the NPPF, and Policy HP 16 2020 of the WNP.

### 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.

### RECOMMENDATION

APPROVE CONDITIONALLY

1 The permission hereby granted is an outline permission under s92 of the Town and Country

Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:

1. Layout.
2. Scale.
3. Appearance.
4. Access.
5. Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan

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

- 4 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 the Ecological Impact Assessment (GS142.SBV.EcIA.v1 - South Downs Ecology 02/01/23), 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).

- 5 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.

- 6 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, QE DM2, T SP1 & ENV DM5.

- 7 Construction work shall not begin until a scheme for protecting the proposed (noise-sensitive development) from noise from the nearby industrial / commercial units has been submitted to and approved in writing by the Local Planning Authority. All such works which form part of the scheme shall be completed before (any part) the (noise-sensitive development) is occupied.

Reason: To safeguard the amenity of residents in accordance with Arun Local Plan policy QE DM1. This must be a pre-commencement condition because it is necessary to have such mitigation measures in place before the buildings are occupied.

- 8 The proposed scheme submitted at reserved matters stage 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.

- 9 Prior to the submission of the reserved matters application, or alternatively submitted

alongside the reserved matters application, the following details must be submitted to the Local Planning Authority for approval. The development subsequently approved following the reserved matters application shall be carried out in accordance with those details:

- Tree Survey and Constraints Plan
- Arboricultural Impact Assessment (including a tree protection plan and Arboricultural method statement)

Reason: To ensure the health and amenity of trees on site are protected, in accordance with Arun Local Plan policy ENV DM4.

10 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A 'Verification Plan' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these parts, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or such other date or stage in development as may be agreed in writing with the Local Planning Authority, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan, and for the reporting of this 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 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

11 The layout and landscaping details submitted pursuant to condition 1 shall include supporting

surface water drainage information to show that the site can be sustainably drained within the proposed layout. The supporting surface water drainage information must include:

1. A full winters groundwater monitoring,
  2. Winter infiltration testing in accordance with BRE DG 365 or similar approved,
  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. Detailed drainage plans conforming to local planning authority guidance,
  7. A plan showing no conflicts between existing and proposed trees, their potential growth and surface water drainage design,
  8. A plan showing the impact of the proposed development on existing watercourses (where applicable),
  9. Details of any necessary permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3, and the NPPF.

- 12 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling, or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3, and to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010 can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 13 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).

14 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.

15 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

16 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council, [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls, and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

17 INFORMATIVE: There are existing TPO trees on site that are in direct conflict with the proposed drainage scheme (submitted under this application). Therefore, whilst the detailed design of the surface water drainage scheme can be dealt with via appropriate conditions, and it has been demonstrated the site can be drained, it must be noted that the scheme as shown under this application would not be acceptable at Reserved Matters stage due to the resulting impact on the TPO trees. The applicant is made aware that as it has not been demonstrated



that the scheme is wholly compliant with the necessary requirements, and if in any future submissions (reserved matters), if it cannot be demonstrated that the scheme is compliant, and there is still an unacceptable impact on protected trees, the permission may be rendered unimplementable.