

Recommendation Report for Planning Permission

REF NO:	WA/50/22/PL
LOCATION:	Oak Bank Wandleys Lane Walberton BN18 0QR
PROPOSAL:	1 No 4 bed dwelling with detached garage and associated parking (resubmission following WA/8/22/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	Permission is sought for the erection a detached dwelling with detached garage and associated parking on land east of Oak Bank. The dwelling would be two storeys with a ridge height of 7.8m but with a forward projection that is 1.4m lower than the main ridge. This forward projection would have a gabled roof with flank facing dormers. The dwelling would have 4 bedrooms and would be set in 3.9m from the shared southern boundary. Access will be by a new driveway leading to two parking spaces, a turning area, and a car port. New boundary treatments are not indicated, however, there is an existing 1.8m solid timber fence on the boundary with Oak Bank and 1m high two-bar timber fence to the northern and eastern boundaries with a new hedgerow along.
SITE AREA	0.1195 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	8.4 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but the site is higher than Wandleys Lane.
TREES	There is a large TPO protected Pedunculate Oak tree on the frontage.
BOUNDARY TREATMENT	1m high two-bar timber fence to the northern and western boundaries and similar height solid timber fence to the road.
SITE CHARACTERISTICS	The site is on the western side of Wandleys Lane, it appears as extended side garden to Oak Bank with a low hedge part separating it from the existing dwelling.
CHARACTER OF LOCALITY	Predominantly open, characterised by sparsely sited dwellings however, the site adjoins an area of approved residential development to the north and northwest. Building style is varied, and the road is notably rural and arboreous, with trees lining the western side.

RELEVANT SITE HISTORY

WA/8/22/PL	1 No. 4 bed dwelling with detached garage and associated parking. This application is in CIL Zone 3 and is CIL liable as new dwelling (resubmission of WA/93/21/PL). This application is a Departure from the Development Plan.	Withdrawn 13-05-22
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The above application has been withdrawn suggesting it would be refused due to ADC Tree Officer's objection and inconsistency of submitted plans.

WA/93/21/PL was withdrawn suggesting the application would likely be rejected due to the failure to provide supporting information in respect of trees and biodiversity.

Pre-application advice was given in May 2019 for a new dwelling here at which time it was concluded that the proposal was unacceptable due to the site being in the countryside and that the design would be at odds with the street scene setting, damaging the character of the established rural area.

A further pre-application enquiry for a dwelling was lodged in May 2021 but objections were raised to the two storey design, and it was stated there should be a one storey element adjacent to the southern boundary. Whilst the scheme does not include this, the house is not as wide as previously shown with a greater gap to the southern boundary (3.9m vs 1.9m) and a front projection with a lower roof. The applicant was advised of the need to provide supporting tree survey information, provide a biodiversity survey, demonstrate biodiversity net gain, and ensure that garages meet the required dimensions.

An application to reduce the crown of the TPO Oak Tree on the site frontage was refused due to the reduction being excessive and harming the tree's landscape impact and visual amenities of the locality.

The current proposal is almost identical to the previous, the only difference is a gable roof of front projection and the position of car port (reduced to single car port) closer to the dwelling.

REPRESENTATIONS

Walberton Parich Council: Objection.

- The features supposed to be address highlighted in the pre-application advice have not been addressed in WA/93/21/PL or WA/8/22/PL.
- Insufficient evidence was submitted to satisfy Arun Local Plan policy W DM3 and Walberton policy VE7 concerning Sustainable Urban Drainage Systems and surface water management measures.
- The site is not included in the Walberton Neighbourhood plan and is outside the Built-up Area Boundary.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The issues are discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEEERS: The application is in the Lidsey Treatment Catchment, therefore surface

water drainage design should be carefully considered. Groundwater is likely to be high and infiltration may not be viable but must be fully investigated. The site is in a groundwater Source Protection Zone (SPZ), the EA and Portsmouth Water has been consulted on surface water drainage proposals if infiltration is proposed.

PORTSMOUTH WATER: No objection in principle, however, the site is in the SPZ1c for the local Public Water Supply Source, within 500m of their abstraction borehole. Full comments are online.

ADC GREENSPACE: No objection to the proposals subject to submission of landscape details. Tree protection methods to be in place in relation within and beyond the site boundary that may be affected by the development proposals.

SOUTHERN WATER: Records show the approximate position of the public foul sewer in the site. Full comments are online.

COUNCILS ARCHAEOLOGIST: Evaluation of the adjacent site demonstrated this area is unlikely to contain anything of archaeological interest. In the circumstances there is no reason to require mitigation of the effects of development.

ADC TREE OFFICER: Objection:

- There is insufficient detail to be confident of avoiding harmful impacts from excavation within the RPA and/or enhancement of existing surface water drainage features.
- There is important arboricultural information yet to be submitted in support of the layout, such that approval at this stage would leave T1 inadequately protected.

WSCC HIGHWAYS (LHA): The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network subject to suggested conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Designation applicable to site:

Outside the Built-up Area Boundary (BUAB);
Lidsey Treatment Catchment Area;
Tree Preservation Order ref TPO/WA/2/14;
Archaeological Notification Area;
WSCC Mineral Safeguarding Area;
Singleton & Cocking Tunnels Special Area of Conservation 12km Buffer;
Biodiversity Corridor (Wandleys Lane);
CIL Zone 1; and
Current & Future Flood Zone 1.

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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management

[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

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.

The revised Walberton Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to in this report.

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 would not comply with relevant development plan policies in that it would affect adversely residential amenities of nearby property and leave TPO inadequately protected due to insufficient detail provided with respect to surface water drainage and an absence of an important arboricultural information. The applicant failed to provide a Drainage Impact Assessment. Contrary to policies D DM1, QE SP1, ENV DM3, ENV DM4, W DM1 and W DM3 of the Arun Local Plan.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and space standards and natural environment.

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Walberton Neighbourhood Development Plan2 (W NDP) and the West Sussex Waste and Minerals Plans.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the ALP and the W NDP, should therefore be resolved in favour of the latter.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply.

On the basis of the Council's Authority Monitoring Report (AMR) from January 2022, the policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (HLS). Due to the HLS being below 3 years (2.42 years) and despite its age, the W NDP2 does not benefit from the support in para 14 of the NPPF. The NPPF presumption in favour of sustainable development is therefore unaffected by the Neighbourhood Plan.

Policy C SP1 affirms residential development in the countryside outside the BUAB will not be permitted

unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused within the BUAB. The proposal is outside the BUAB and so conflicts with ALP policies C SP1 and SD SP2.

At Full Council meeting of 14th July 2021, Arun District Council resolved to 'make' the Walberton Neighbourhood Development Plan 2 2019-2031 (WNDP).

The WNDP 2 in its new policy HP1 2020 Built Up Area Boundary (BUAB) stresses that proposals for development in the built-up area boundary of Walberton, defined in Schedule 2 will be supported. Proposals for development outside the built-up area boundary will be supported where they accord with countryside policies in the Arun Local Plan and South Downs Local Plan. The proposal would clearly conflict with policy HP1 2020.

Sustainability

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS, the 'presumption' for sustainable development is triggered. Para 8 of the NPPF states that to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. ALP policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

As stated in the Highways Authority's comments, the site is approximately 1.4km northeast of Westergate village, which provides some local services and amenities. Wandleys Lane itself lacks footways and is mostly unlit, which may increase the reliance of the private car for some trips. Cycling is a viable option for experienced cyclists.

The site is in the countryside outside the built-up area and the lack of pavements and lighting on Wandleys Lane is a material consideration. The development would conflict with policies SD SP2 and C SP1 of the Arun Local Plan 2011-2031, and policy HP1 2020 of the Walberton Neighbourhood Development Plan 2 which seek to direct new development to within built up areas other than where a countryside location is appropriate or necessary.

The proposal conflicts with out of date Development Plan policies that are most important to the determination of the development and the policies of the NPPF provide some support for the provision of the dwelling.

The construction of a dwelling would have a very modest economic objective through the provision of jobs through construction and would have little weight. This would make a modest addition to the housing stock in the District, given the significant shortfall in housing land supply. The proposal could help to support the local community by providing new home to help meet future needs. Economic benefits arising during the construction of the development would be temporary and have a little weight.

Paragraph 11 (d) ii) of the NPPF states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for housing applications, where the Council cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Conclusion on Matters of Principle

The principle of development on this countryside site is in conflict with the ALP and the WNDP. Due to the Councils HLS being below 5 years, the NPPF presumption in favour of sustainable development is triggered.

VISUAL IMPACTS

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area, including in respect of scale, character, materials, finish. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, landscaping and scale.

The Arun Design SPD (adopted 2021) Section Q.01 (Rural Development) states "Development within rural areas in particular must be sensitively and appropriately integrated into its landscape setting, which forms the dominant feature. This can be achieved through simple, unobtrusive design working with the topography of the site: ensuring that development is kept away from exposed locations or ridge lines to remain a subordinate feature and building along the contours of the landscape and using sufficient spacing to avoid merging development together.

Planning policies and Central Government advice support the efficient and effective use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, etc. Policy D SP1 requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics ensuring that 'new' buildings are harmonious with their surroundings.

The site appears as extended side garden to Oak Bank with a low hedge part separating it from the dwelling situated to the east of Oak Bank on the west side of Wandleys Lane. Notwithstanding the site is surrounded to the north and west by new residential development, which is in the built-up area of Fontwell, the site is countryside where intensification is not desirable. The site forms part of scattered development along Wandleys Lane, which is separated from the defined settlements of Fontwell to the north by open farmland and horticultural cultivation under glasshouses to the south. It falls outside areas allocated for housing in the Local Plan or the Walberton Neighbourhood Development Plan 2. The looser knit form of development and its countryside setting distinguishes it from the denser, more regular form of development that characterises the settlement areas.

The house would be significantly larger than Oak Bank; 15 m deep and 7.9m wide, the main building would be characterised by a hipped roof (the roof of Site Block Plan does not match with the roof shown on elevations) its front 2-storey projection would have gabled roof with one dormer facing to the north-east and 2 dormers to the south-west. A single car port is proposed to the front with a separation distance of 0.5m from the front elevation of front along with 2 parking bays.

The dwelling would have neutral visual impact in this countryside location and due to its position in the neighbourhood of a large development to the north-east of site, it would not be detrimental to the character and appearance of the area therefore it would not conflict with policies D SP1 and D DM1 of the Arun Local Plan and relevant paragraphs of the NPPF.

RESIDENTIAL AMENITY

Policy QE SP1 (ALP) requires development to ensure it does not have a significantly negative impact on residential amenity. Policy D DM1 (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land.

Paragraph 130(f) (NPPF) requires decisions to create places with a high standard of amenity for existing and future users.

The dwelling would be a sufficient distance from the nearest residential property to the north-east. This would be assisted by existing boundary treatment on the south-western boundary with Oak Bank. Given the position of the dwelling aligned with the existing to the south-west there would be no significant harm in respect of overbearing or overshadowing. However, overlooking would occur due to the dormer windows to the south-western roof plane of the front projection within 9m from the habitable first floor flank window of Oak Bank. The requirement of the Arun Design Guide is separation distances between habitable rooms should be a minimum of 14m.

The development could have an unacceptable adverse impact to users and occupiers of nearby property to the south-west resulting in terms of harm on neighbouring amenity by way of overlooking and loss of privacy if the windows were not obscure glazed. It would not accord with policies D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and para 130 of the NPPF. However the development could be made acceptable in this respect due to the use of conditions.

QUALITY OF ACCOMMODATION

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. Nationally Described Space Standards provide the current guidance. The internal spaces would exceed the current standards. Therefore, the development accords with Policy D DM2 of the Arun Local Plan.

Arun Design Guide Part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- requires rear gardens are a minimum of 10.5m deep and front gardens at least 2m. Regard should be had to para 130(f) of the NPPF which requires development has a high standard of amenity for existing and future users.

The proposal provides 13m deep rear garden therefore would comply with the Arun Design Guide and with the NPPF (para. 130).

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 accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

According to the requirement of Parking Standards (SPD January 2020), 3 parking space for 4 bed flat in Parking Behaviour Zone 2 and visitor parking at a ratio of 20% of the total number of residential units will be required. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes.

The plans indicates 3 parking spaces (one within the car port) which would satisfy the requirement of ADC Parking Standards. The Arun SPD requires cycle storage to cater for 2 cycles per dwelling.

WSCC Highways does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Subject to conditions to secure vehicular & cycle parking and EV points, the proposal would accord with ALP policies T SP1, T DM1 and with criterion (b) of policy H SP4, the ADC Parking Standards SPD (2020) and the NPPF.

PROTECTION OF TREES

Policy ENV DM3 of the Local Plan in section 17.3.1 underlines the importance of trees as producers of oxygen and in urban settings groups of trees can contribute significantly to the successful integration of new dwellings into the landscape. The retention of mature trees can contribute to amenity and more attractive developments as well as retaining important wildlife habitats and should be considered at the design stage of all developments.

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.

These ensure development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

The WNDP 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.

NPPF para 131 NPPF highlights the important contribution which trees make to the character and quality of urban environments and can help mitigate and adapt to climate change. Policies and decisions should ensure appropriate measures are in place to secure the long-term maintenance of newly planted trees, and existing trees are retained wherever possible.

There is an ancient oak (TPO) of a high amenity/landscape value on site. Wandleys Lane is one of 11 biodiversity corridors considered by the Parish Council as having the potential to be biodiversity rich habitat. The lane connects with Ash Beds ancient woodland in Slindon and provides a continuous route past the mature oaks on Woodfield Farm, through to Barnham and the area around Eastergate Church. It is particularly important for the rare Barbastelle bats from the major roost in Slindon.

Its crown has been considerably reduced, whilst, according to WA/115/21/T, they were supposed to have kept size of pruning wounds to less than 75mm. That was designed to prevent cutting back unduly far into the main limb framework. It appears they have exceeded that permission.

The ADC Tree Officer comments: 'The applicants have submitted a Method Statement along with a Tree Protection Plan for this project, prepared by Bernie Harverson / Arboricultural Consultant. These were in support of the preceding application WA/8/22/PL. Tree Survey data is comprehensive and accords with the requirements of BS5837:2012. I agree with the retention category rating for T1 oak, the only significant tree overlapping the development and subject of a Tree Preservation Order.

The above report and plan were specific to the preceding application but do not comprehensively associate with the current proposal (block plan) shown on drawing no. 21034/001P Rev F. T1 is a tree of such importance (high amenity/landscape value, potential heritage tree) and sensitivity (mature, growing in increasingly hostile surroundings) that it should represent a major constraint to development. It is therefore pleasing to see no major construction proposed within the root protection area (RPA) and crown spread, although sensitive working would be required to ensure no overspill into a Construction Exclusion Zone.

There is no approved surface water drainage strategy. As such, if infiltration is not viable then they may need to pursue a connection to the nearby ditch (roadside of T1 oak) involving major work (including excavation) within the RPA. Foul water and other service-runs in and out of site have not been shown and while it may be straightforward to connect to existing apparatus there remains a risk of further RPA incursion to satisfy those requirements. There is insufficient detail to be confident of avoiding harmful impacts from excavation within the RPA and/or enhancement of existing surface water drainage features and an important arboricultural information yet to be submitted in support of the layout, such that approval at this stage would leave T1 inadequately protected". Therefore the Tree Officer objects the development.

For the above reasons, the development would not comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, policy VE 3 of the Walberton Neighbourhood Development Plan and NPPF's paragraph 131.

NATURAL ENVIRONMENT

Arun Local Plan policy ENV SP1 states Arun District Council encourage and promote 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. The Council will ensure, policy ENV DM1, that the intrinsic features of particular interest are safeguard or enhanced.

New WNDP 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. Development in the Singleton and Cocking Tunnels SAC Wider Conservation Area should evaluate the potential loss of suitable foraging habitat and/or severance of commuting flight-lines.

Paragraph 174 of NPPF (2021) requires planning policies and decisions to contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible. This paragraph calls for the establishment of coherent ecological networks that are more resilient to current and future pressures.

The site is in Singleton & Cocking Tunnels Special Area of Conservation Buffer Zone. An Extended Phase 1 Ecological Assessment was submitted to determine ecological constraints on site and a range of measures which avoid impacts on the identified ecological receptors were suggested. These include sensitive lighting and timing of the works. It is proposed to mitigate adverse impacts through the approval of an external lighting strategy and prohibition of other external lighting. This can be controlled by condition.

CDC's Environment Officer was consulted on the previous application and did not object to the development subject to conditions. The development complies with requirements of ALP policies ENV SP1 and ENV DM1.

BIODIVERSITY:

ALP policy ENV DM5 requires that development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

Whilst the application is accompanied by an ecological assessment where the opportunities for biodiversity enhancement have been suggested, no details of biodiversity net gain have been provided. Therefore, not in accordance with the ALP policy ENV DM5. However, this does not result in a reason for refusal as biodiversity net gain can be conditioned.

WATER SUPPLY AND QUALITY

The site is in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment. The site is located in a groundwater source protection zone.

Saved WNDP policy VE 7 highlights that new development should aim to reduce the overall level of flood risk: a. Surface water management measures will be required for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased. No development shall commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority.

The site falls in Flood Zone 1 and is at low risk of flooding and as mentioned above in the Lidsey Wastewater Treatment Works Catchment Area. The applicant failed to provide a Drainage Impact Assessment, contrary to requirement policy W DM1, there was no consideration of sustainable surface water. The development conflicts with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan, policy VE 7 of the WNDP and Para 167 of the NPPF.

OTHER MATERIAL CONSIDERATIONS:

On the basis of the Councils Authority Monitoring Report (AMR) from January 2022, the policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (HLS). Due to the HLS being below 3 years (2.42 years) and its age, the WNDP does not benefit from the support set out in para 14 of the NPPF. The NPPF presumption in favour of sustainable development is therefore unaffected by the Neighbourhood Plan.

Paragraph 11 (d) ii) of the NPPF states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for housing applications, where the Council cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF contains several material considerations. Para130(f) requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Para 131 reminds an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that existing trees are retained wherever possible.

Para 167 stresses that local planning authorities when determining any planning applications, should ensure that flood risk is not increased elsewhere.

Para 174(b) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider

benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Para 180(c) carries on by emphasizing that local planning authorities when determining planning applications should refuse development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) unless there are wholly exceptional reasons and a suitable compensation strategy exists.

SUMMARY

This application has been assessed against the policies contained within the Development Plan having regard to the principle of development, design and visual amenity, internal space standards, residential amenity, highways, transport and parking, landscaping, water supply and quality and the Council's current 5 year Housing Land Supply position.

It has been found that the countryside and settlement boundary policies would have limited weight owing to the Council's 5 Year Housing Land Supply position.

Notwithstanding these matters, the harm that would derive from the development would have an unacceptable adverse impact to users and occupiers of nearby property and a significant potential impact on the TPO would significantly and demonstrably outweigh the benefits to be gained from the proposal. Therefore, applying paragraph 11(d)(ii) of the 2021 Framework, planning permission should be refused.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required

(dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The site falls in the Lidsey Wastewater Treatment Works Catchment Area. The applicant has failed to provide a Drainage Impact Assessment. Therefore the proposal would be contrary to policies W SP1, W DM1 and W DM3 of the Arun Local Plan and VE 7 of the Walberton Neighbourhood Development Plan 2 and paragraph 167 of the National Planning Policy Framework.
- 2 There is insufficient detail to be confident of avoiding harmful impacts from excavation within the Root Protection Area and/or enhancement of existing surface water drainage features and in an absence of arboricultural information in support of the layout the approval would leave T1 (subject to a Tree Preservation Order) inadequately protected in conflict with policies ENV DM3 and ENV DM4 of the Arun Local Plan policy VE 3 of the Walberton Neighbourhood Development Plan 2 and para 131 of the National Planning Policy Framework.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.