

Recommendation Report for Planning Permission

REF NO: WA/97/19/PL

LOCATION: Mill Ball
Binsted Lane
Arundel
BN18 0LJ

PROPOSAL: 1 No. replacement dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks planning permission for the construction of a replacement dwelling. The new dwelling would be a detached, 2 storey, 5 bedroom property, surrounded by gardens. It would have car parking for at least 4 vehicles on site.

SITE AREA 3 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 0.33 dwelling per hectare.

TOPOGRAPHY Predominantly flat.

TREES There are significant on and off-site trees, including prominent and high value walnut and cypress trees to the north of the dwelling.

BOUNDARY TREATMENT Predominantly hedging and trees.

SITE CHARACTERISTICS The application site consists of a detached, 3 bedroom, chalet bungalow surrounded by substantial gardens of around 3 hectares in size. There are a number of outbuildings to the rear of the site, and an enclosed outdoor swimming pool. The dwelling is set some distance away from the highway (Binsted Lane) and is enclosed to the frontage by high level hedgerows. There is an access road off Binsted Lane which leads to an area of hardstanding for the parking of vehicles. The site is located within the designated Countryside, outside of a Built-Up Area Boundary. The site is also within the Walberton Neighbourhood Plan Area.

CHARACTER OF LOCALITY The character of the area is rural and consists mainly farmland, farmhouses, a scattering of dwellings on large plots, and a horticultural nursery close by.

RELEVANT SITE HISTORY

TR/4/66 Alterations Approve
12-05-66

WA/2/02/	Proposed dormer windows.	ApproveConditionally 01-03-02
WA/82/99/	Convert a redundant farm building (former calf rearing unit) into holiday let accommodation.	ApproveConditionally 21-01-00
WA/55/98/	Porch.	ApproveConditionally 09-10-98

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Walberton Parish Council -
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Environmental Health
South Downs National Park
Parks and Landscapes
Ecology Advisor
WSCC Strategic Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

South Downs National Park -
The application site is located approximately 95m to the west of the National Park. There are a number of public footpaths in the vicinity of the site which lead into the National Park. The site is close to Binsted Wood Complex which is designated as Ancient Woodland and a Site of Nature Conservation/Local Wildlife Site. As such, it is necessary to ensure there would be no direct or indirect impacts on these designated sites or protected species.
It is noted a Phase I and II Ecological Survey has been submitted with the application - the Council's

Ecology Officer should be consulted on the application and any mitigation measures secured by condition.

The SDNP has been designated as an International Dark Sky Reserve, and as such the Council should ensure that the proposal would not cause harm through new sources of light pollution. A 2 storey glazed opening is proposed to the northern elevation. Given this may be prominent in views from the SDNP, mitigation measures such as low transmission glazing or automated black out blinds should be considered. It was agreed with the SDNP Authority and the applicant during the determination period of the application that automated black out blinds would be an acceptable solution. A planning condition requiring full details of the automated black-out blinds is therefore required. Any external lighting details should be secured by condition, and should be designed to minimise light spill e.g. downward shields, maximum 500 lumens, PIR sensors to limit hours of use.

Drainage -

Due to the location, scale, and type of application, no planning conditions are requested. Any alterations to surface water and foul water drainage must comply with Building Regulations.

Environmental Health -

Request planning conditions regarding hours of construction and actions to be taken if any visible contaminated or odorous materials are found to be present on site. Request informatives regarding statutory nuisance complaints and with regard to burning on site.

West Sussex County Council Highways -

Existing access from Binsted Lane is to be utilised and no alterations proposed - no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. 4 parking spaces are to be retained on site, WSCC parking demand calculator requires minimum of 3 parking spaces for a property of this size in this location, so proposal exceeds this. Parking bays would be of a sufficient size and there would be sufficient space for turning to allow vehicles to exit the site in forward gear. In the interests of sustainability electric vehicle charging points should be provided. 4 cycle parking spaces are proposed, however the plans do not show these. Under WSCC parking standards, a minimum of 2 secure, undercover cycle parking spaces would be required. Recommend conditions for car parking and cycle parking spaces to be provided prior to first occupation.

Ecologist -

Proposed mitigation measures in Phase I and II Ecological Survey suitable, recommend planning condition to secure this. Applicants should be aware that a Natural England Protected Species Licence will be required prior to any works. Lighting scheme should minimise impacts on bats by avoiding unnecessary light spill e.g. use of directional light sources and shielding. Recommend planning condition regarding nesting birds. Suggest bird box should be installed on building or a tree in garden.

Trees Officer -

There are significant on and off-site trees, including prominent and high value walnut and cypress trees to the north of the dwelling. During the determination period of the application, the Trees Officer advised that given the lack of supporting arboricultural information provided with the initial submission it would not be possible to guarantee the trees would be adequately respected and protected. The applicant has since submitted an Arboricultural Report (produced by Beechdown Arboriculture Ltd, dated December 2019). The Trees Officer has confirmed that these arboricultural plans and reports demonstrate full consideration of the trees in relation to the development proposal and a protection scheme to ensure adequate respect and protection of these trees. The Tree Officer has recommended planning conditions requiring a pre-commencement site meeting between the Council's Tree Officer and the applicant's Arboricultural Consultant, all activity to accord with the approved Arboricultural Report, and any essential tree pruning to meet BS3998:2010 Tree work - Recommendations.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Countryside

Walberton Neighbourhood Plan Area.

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
LANDM1	LAN DM1 Protection of landscape character
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment

Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE10	Biodiversity & Archaeology
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The policies contained within the Walberton Neighbourhood Plan are relevant in the consideration of this application.

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 be a departure from the Development Plan in that it would represent development in the designated Countryside, in conflict with policy C SP1 of the Arun Local Plan and HP1 of the Walberton Neighbourhood Plan. However, the proposal would comply with other relevant Development Plan policies in that, subject to conditions, it would have an acceptable impact on the visual amenity of the area, the protected landscape of the South Downs National Park, the residential amenity of neighbouring and future occupants, bin storage, car and cycle parking, drainage, contamination, ecology and trees.

OTHER MATERIAL CONSIDERATIONS

The proposal would conflict with countryside policy C SP1 of the Arun Local Plan and Walberton Neighbourhood Plan policy HP1. However, the fact that it would replace an existing dwelling (of a similar footprint, albeit the new building would be larger) is a material consideration in this case, which would warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT

The proposal would conflict with countryside policy C SP1 of the Arun Local Plan and policy HP1 of the Walberton Neighbourhood Plan since the site is outside the built up area boundary and meets none of the criteria for permissible development in the countryside. However, the fact that it would replace an existing dwelling (of a similar footprint, albeit it marginally larger) is a material consideration in this case, which would warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The proposal for a replacement dwelling in the countryside is acceptable in this instance.

CHARACTER, DESIGN, APPEARANCE

Policy D SP1 of the Arun Local Plan states that development should seek to make efficient use of land but reflect the characteristics of the site and local area, in matters such as layout, density, scale, mix, character, landscaping, materials, finish and architectural details. It also states that proposals should adhere to objectives informing sustainable design e.g. attractiveness, inclusivity, security and climate change.

Local Plan policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Walberton Neighbourhood Plan policy HP11 states that the density of new development shall be appropriate to its location by virtue of its size, siting and relationship to existing properties. Neighbourhood Plan policy HP13 advises that new development which would have an effect on the appearance and character of the surrounding area must be of a high quality of design and must contribute to local character.

The proposal is for a replacement dwelling of a similar siting on the plot to the existing dwelling. The existing dwelling is a chalet bungalow, with a ridge height of around 6.4m. The proposed dwelling would be a two storey building, with a steep double height roof void and a relatively high ridge height for two storeys of almost 10m. The new dwelling would have a different shape/form and larger footprint, being around 7m wider than the existing dwelling on northern elevation of the plot, but would extend less deep. As such, there would be an increase to the height and overall scale and mass of the building on the plot. However, the building would be set back from the adjacent road Binsted Lane within the plot, and is enclosed by a boundary treatment of hedging to the front of the plot. As such, the building would only be visible in isolated glimpses from Binsted Lane and would have limited visibility. It would also replace an existing building. As such, its increase in height and size would not be visually harmful, and the character of the area would be maintained.

The proposed materials, of brick and flint elevations with feature brickwork and quoins, clay tile roof, and oak framed orangery, and the proposed design details would reflect the barns, farmhouses and rural character of the area.

The proposals would integrate well with its surroundings and maintain the character and visual amenity of the area, in accordance with the NPPF, and policies in the Local and Neighbourhood Plan.

LANDSCAPE IMPACT

The South Downs National Park is a statutorily protected landscape of national importance, and designated as an International Dark Sky Reserve.

Local Plan policy LAN DM1 states that development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the park.

Neighbourhood Plan policy VE8 states that development that distracts from the unlit environments of the Parish will not be supported.

The application site is located approximately 95m to the west of the National Park. There are a number of public footpaths in the vicinity of the site which lead into the National Park. As such it is necessary to

consider the impact of the proposals on the setting and views in and out of the Park. The South Downs National Park Authority have been consulted on the proposals and have not raised an objection regarding the impact on setting or views.

Given the Parks designation as an International Dark Sky Reserve, it was agreed with the SDNP Authority and the applicant during the determination period of the application that automated black out blinds would be an acceptable solution to mitigate against potential light pollution impacts. A planning condition requiring full details of the automated black-out blinds is therefore recommended.

Subject to condition to control light pollution, the proposals would protect the setting of the South Downs National Park, in accordance with legislation, the NPPF, and Local and Neighbourhood Plan policies.

RESIDENTIAL AMENITY- NEIGHBOURING OCCUPANTS

Policy D DM1 of the Arun Local Plan that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy QE SP1 of the Arun Local Plan states that the Council requires all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity.

The proposed dwelling would replace an existing dwelling and would be set on a large plot (around 3 hectares) in a rural setting with very few close neighbouring properties. The nearest neighbouring property is 'Lake Copse' (around 170m away). As such, the proposals would not have any impact in terms of outlook, light, privacy and noise and disturbance to neighbouring occupants, and would protect residential amenity, in accordance with Local Plan policies.

RESIDENTIAL AMENITY - FUTURE OCCUPANTS OF NEW DWELLING

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

The national internal minimum GIA for a 2 storey 5 bedroom house is as follows:

5B6P = 110 sqm

5B7P = 119sqm

5B8P = 128sqm

Plus 3.5sqm of built-in storage

The standards do make provision that if furnished layouts are shown they are not required to demonstrate compliance.

The plans provided show furnished layouts and as such compliance with the national internal space standards is not required. However, notwithstanding this, the plans indicate that the property would have a total GIA of 360sqm, which would far exceed the minimum standards for a 5B8P house. The bedrooms would comply with minimum sizes for double and single bedrooms. The plans also show there would be ample built-in storage in the form of built-in wardrobes in the bedrooms and dressing rooms and storage cupboards in the boot room, utility and larder. The proposed dwelling would provide well-sized, well-laid out accommodation with good levels of natural daylight, and would provide a high standard of living accommodation to any future occupants.

Whilst the Council does not have specific external space standards, the supporting text to ALP policy D

DM2 refers to a detailed Design Guide (still to be adopted) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space. Until such time as the Design Guide is published, there is no policy within the Arun Local Plan regarding private garden sizes. However, regard should also be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (f) 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".

The property benefits from significant gardens and grounds totalling around 3 hectares, so there would be ample space outdoor amenity space for future occupants.

BIN STORAGE

Policy WM DM1 of the ALP advises that all new residential development, including flat conversions, will be permitted provided that:

(a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles

Development proposals must show bin storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. Alternatively one 240 litre wheelie bin for each property can be provided.

The same amount of storage space/bins for recyclable materials is required to be provided.

The proposed site plan shows 3 refuse bins which would be located at the rear of the property. This would be sufficient to serve the property. These would presumably, as per the existing arrangement, be wheeled to the front of the site to the access entrance with Binsted Lane for kerbside collection.

HIGHWAYS & PARKING

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

West Sussex County Council has produced a parking demand calculator which will provide guidance on the levels of car parking required. This can be viewed at:

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/>

Arun District Council has recently consulted on its own Parking Standards SPD, which is due to be adopted in January 2020.

WSCC Highways have been consulted on the application and have raised no objection to the proposals. They have advised the following;

The existing access from Binsted Lane is to be utilised and no alterations are proposed. There is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

4 parking spaces are to be retained on site, WSCC parking demand calculator requires minimum of 3 parking spaces for a property of this size in this location, so proposal exceeds this. (The emerging Arun District Council Parking SPD also advises that 3 car parking spaces would be required for house of this size and location). The parking bays would be of a sufficient size and there would be sufficient space for

turning to allow vehicles to exit the site in forward gear.

In the interests of sustainability, electric vehicle charging points should be provided.

4 cycle parking spaces are proposed, however the plans do not show these. Under WSCC parking standards, a minimum of 2 secure, undercover cycle parking spaces would be required.

As such, subject to conditions to secure the car parking and cycle parking spaces and electric vehicle points, prior to first occupation, the proposals would provide sufficient parking and would not result in severe harm to the operation or safety of the highways, in accordance with the NPPF, parking standards, and Local Plan policy.

SUSTAINABLE CONSTRUCTION

Tackling climatic change is a key government priority for the planning system. Applicants for planning permission should consider how well their proposals for development contribute to the Governments ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. Applicants should consider provision of renewable energy in the form high level insulation, rainwater harvesting a general minimal energy use, including Carbon Dioxide reduction.

ALP policy ECC SP2 states that:

All new residential...development...will be expected to be energy efficient and demonstrate how they will:

- (a) achieve energy efficiency measures that reflect the current standards applicable at the time of submission
- (b) Use design and layout to promote energy efficiency
- (c) incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels

It is recommended that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements.

FLOODING & DRAINAGE

As set out in the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. There are requirements regarding the submission of a Flood Risk Assessment and Sequential test documentation. The relevant requirements for these are dependent upon the designated flood zone that the site is located within and the Technical Guidance to the NPPF provides more details on these issues. Arun Local Plan policy W DM2 provides policy on areas at risk of flooding.

The site is located within Environment Agency Flood Zone 1 (lowest risk of flooding) and as such there is no requirement for a Flood Risk Assessment or flood mitigation measures in this case.

Policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

Policy VE7 of the Walberton Neighbourhood Plan refers to the requirement for surface water management measures and the consideration of SUDs.

No surface water drainage plan has been submitted with the application. It is noted that the majority of

the site consists of gardens and soft landscaping and therefore already benefits from good surface water drainage. The proposed new paved patio at the rear of the new dwelling could be constructed of permeable porous paving material and the applicant is encouraged to do so. However, given the sites location within a non-urban environment, it is concluded that it would be unreasonable to apply a planning condition requiring a SUDs plan in this case. The Council's Drainage Officer has been consulted on the planning application and advised that due to the location, scale, and type of application, no planning conditions are requested. They confirmed that any alterations to surface water and foul water drainage must comply with Building Regulations. An informative will be added accordingly to advise the applicants of this requirement.

LAND CONTAMINATION

As per policy QE DM4 of the Arun Local Plan, development on or close proximity to hazardous sites or contaminated land will be permitted provided the Council is satisfied that appropriate remedial measures can be or have been undertaken in respect of human health and groundwater.

The site is currently in residential use. However, it may have had historic uses related to agriculture and horticultural nurseries which are common in the area, and there may therefore be potential for contaminants in the land such as fertilizers, asbestos etc. As such, the Council's Environmental Health team have recommended that a planning condition be attached advising of the actions to be taken if any visible contaminated or odorous materials are found to be present on site during development.

ECOLOGY

National Planning Policy indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area.

Arun Local Plan policy ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

Development will need to avoid impacts on protected species on a site such as this, and where this is not possible, mitigation or compensation will be necessary. The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

Walberton Neighbourhood Plan policy VE10 states that proposals that have a negative impact on the Parish's ecology will not be supported unless sufficient mitigation measures are proposed. The policy seeks a positive impact on ecology.

The site is close to Binsted Wood Complex which is designated as Ancient Woodland and a Site of Nature Conservation/Local Wildlife Site. As such, it is necessary to ensure there would be no direct or indirect impacts on these designated sites or protected species. The presence of hedges, trees and vegetation on the site also means it is likely to accommodate wildlife habitats and protected species.

A Phase I and II Ecological Survey has been submitted with the application. The WSCC Ecologist has confirmed that the mitigation measures proposed in these Reports are suitable and recommends a planning condition to secure these measures. An informative will be added to advise the applicants that a Natural England Protected Species Licence will be required prior to any works. Any external lighting scheme should minimise impacts on bats by avoiding unnecessary light spill e.g. use of directional light sources and shielding. As such, a planning condition will be added requiring details of any external light scheme. A planning condition to protect wild nesting birds is also recommended.

As required by the Environmental Bill, the NPPF and Local Plan policy ENV DM5, new development must include a Net Biodiversity Gain. The WSCC Ecologist has advised that a bird box should be installed on a building or a tree in the garden. It is recommended that a planning condition is attached requiring that, prior to first occupation, a Net Biodiversity Gain Site Plan with proposed measures must be submitted to and approved by the LPA, to ensure these requirements are met.

TREES

Planning policies seek to protect the environment and avoid damage to protected trees. BS 5837 : 2005 sets out standards for Trees in Relation to construction.

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity.

Walberton Neighbourhood Plan policy VE3 will support development where it can be shown that trees and hedgerows that contribute to the local amenity will not be damaged or destroyed.

There are significant on and off-site trees, including prominent and high value walnut and cypress trees to the north of the dwelling.

During the determination period of the application, the Trees Officer advised that given the lack of supporting arboricultural information provided with the initial submission it would not be possible to guarantee the trees would be adequately respected and protected. The applicant has since submitted an Arboricultural Report (produced by Beechdown Arboriculture Ltd, dated December 2019). The Trees Officer has confirmed that these arboricultural plans and reports demonstrate full consideration of the trees in relation to the development proposal and a protection scheme to ensure adequate respect and protection of these trees. The Tree Officer has recommended planning conditions requiring a pre-commencement site meeting between the Council's Tree Officer and the applicant's Arboricultural Consultant, all activity to accord with the approved Arboricultural Report, and any essential tree pruning to meet BS3998:2010 Tree work - Recommendations.

Subject to these planning conditions, the proposals would protect trees, in accordance with the British Standards, and Local and Neighbourhood Plan policies.

CONCLUSION

The proposal would conflict with countryside policy C SP1 of the Arun Local Plan and Walberton Neighbourhood Plan policy HP1. However, the fact that it would replace an existing dwelling (of a similar footprint, albeit the new building would be larger) is a material consideration in this case, which would warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

The proposal would comply with all other relevant Development Plan policies, subject to conditions, having an acceptable impact on the visual amenity of the area, the protected landscape of the South Downs National Park, the residential amenity of neighbouring and future occupants, bin storage, car and cycle parking, drainage, contamination, ecology and trees. The application is therefore recommended for approval, subject to conditions.

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 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; Site and Location Plan (PL12 Rev P2) and Proposed Floor Plans and Elevations (PL10 Rev P5).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM2 and LAN DM1 of the Arun Local Plan.

- 3 No development above damp proof course level shall commence until full details of the automated black out blinds, including the proposed blind material (which should be fully opaque), the operating system and the timings of use (dusk until dawn), have been submitted to and approved in writing by the Local Planning Authority. The blinds are to be retained and used in accordance with the approved details for the lifetime of the development hereby approved.

Reason: To protect the status of the South Downs National Park as an International Dark Skies Reserve and to prevent light spill affecting sensitive habitats, in accordance with the NPPF, policies LAN DM1 and ENV DM5 of the Arun Local Plan and policies VE8 and VE10 of the Walberton Neighbourhood Plan.

- 4 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with

the recommendations within BS5489:1-2013 so as to minimise potential impacts on any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details and retained as such in perpetuity.

Reason: To light spill affecting sensitive habitats, in accordance with the NPPF, policy ENV DM5 of the Arun Local Plan and policies VE8 and VE10 of the Walberton Neighbourhood Plan.

- 5 The development hereby approved shall be undertaken wholly in accordance with the ecology mitigation measures set out in the Phase I and II Ecological Survey (prepared by ecosupport, dated 12th September).

Reason: To safeguard the ecology of the area including legally protected species, to ensure compliance with the relevant legislation, and in accordance with ENV DM5 of the Arun Local Plan and policy VE10 of the Walberton Neighbourhood Plan.

- 6 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st September inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981 as amended, and in accordance with policy ENV DM5 of the Arun Local Plan.

- 7 No development above damp proof course level shall commence until a Net Biodiversity Gain Site Plan (including measures such as bird and bat boxes etc. and in accordance with guidance published by Natural England) has been submitted to and approved in writing by the Local Planning Authority. These measures approved shall be installed and maintained in accordance with the approved details and retained as such in perpetuity.

Reason: In the interests of biodiversity gain, in accordance with the Environmental Bill, the NPPF, policy ENV DM5 of the Arun Local Plan and policy VE10 of the Walberton Neighbourhood Plan.

- 8 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on: Appendix 7 - Tree Protection Plan, Beechdown Arboriculture Limited, 06/12/2019.

Reasons: In the interests of the landscape and visual amenity of the area, to comply with BS5837 and policies ENV DM4 of the Arun Local Plan and VE3 of the Walberton Neighbourhood Plan. This needs to be a pre commencement condition to ensure that trees are taken care of before any works take place.

- 9 All activity at the site is to be carried out in strict accordance with: - Arboricultural Report, ref: B/0249/19, December 2019.

Part a) Any disturbance of the existing driveway and hard standing (includes all construction layers, hard wearing course and sub-base materials) which currently provides ground protection within the nominal RPA of T1-T4 incl. must be agreed in advance with the Local Planning Authority. A Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any such works are commenced out on site.

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

Reasons: In the interests of the landscape and visual amenity of the area, to comply with BS5837 and policies ENV DM4 of the Arun Local Plan and VE3 of the Walberton Neighbourhood Plan.

10 Any tree pruning considered essential by the project arboriculturist to facilitate the development as approved, must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.

- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: To ensure the continued health and vitality of trees, in the interests of the landscape and visual amenity of the area, and to accord with current industry guidelines, sound arboricultural practice and policies ENV DM4 of the Arun Local Plan and VE3 of the Walberton Neighbourhood Plan.

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

Reason: To protect the amenity of local residents and future occupants, in accordance with policy QE DM4 of the Arun Local Plan.

12 No construction activities shall take place, other than between 08:00 and 18:00 hours (Monday to Friday) and between 08:00 and 13:00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents, in accordance with policy QE SP1 of the

Arun Local Plan.

- 13 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the new house will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient, and in accordance with policy ECC SP2 of the Arun Local Plan.

- 14 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site and location plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use of the occupants of the dwelling, in accordance with policy T SP1 of the Arun Local Plan and paragraphs 108-110 of the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until secure and uncovered cycle parking spaces have been provided in accordance with the plans and details submitted to the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car, in accordance with current sustainable transport policies including policy T SP1 and T DM1 of the Arun Local Plan.

- 16 Prior to the occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point/s shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 17 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 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 National Planning Policy Framework.

- 18 INFORMATIVE: The applicant is advised that any alterations to surface water and foul water drainage must comply with Building Regulations.

- 19 INFORMATIVE: The applicant is advised that a Natural England Protected Species Licence will be required prior to any works on site.

- 20 INFORMATIVE: The granting of this permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the

Environmental Health Department on 01903 737555.

- 21 INFORMATIVE: The applicants attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'statutory nuisance' may be caused by smoke and ash from fires or noise from cutting or chipping trees. In addition, air quality can be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.