

PLANNING APPLICATION REPORT

REF NO: AL/31/22/PL

LOCATION: Ryefields Farmhouse
Oak Tree Lane
Woodgate
PO20 3GU

PROPOSAL: Demolition of existing building and erection of 4 no. houses with associated access, landscaping, parking and associated works. This site falls within Strategic Site SD5, CIL Zone 1 (zero rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the development of 4 no. houses with associated access, landscaping, parking and associated works. The houses would consist of 1 x 4 bed, and 3 x 3 bed dwellings.
SITE AREA	0.2 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	20 Dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	There is a mix of larger mature and semi-mature trees growing on and adjacent to the site boundaries, some of which are subject to made Tree Preservation Orders. Tree T15 is subject to a Tree Preservation Order, reference TPO/AL/1/19. This tree is proposed to be retained.
SITE CHARACTERISTICS	The site forms part of a residential garden associated with Ryefields Farmhouse. The site is predominantly amenity grass with ornamental planting and there is an existing small storage building. Access to the land is from an unmade private track which forms part of Oak Tree Lane. The lane is an informal track with substantial vegetation providing a semi rural character.
CHARACTER OF LOCALITY	The character of the locality to the west and, beyond the railway line, north is built up and residential. The nearest dwelling to the west is two storey with some secondary windows in its flank elevation that look towards the site. To the east and south there is a mix of enclosed private gardens and open fields. To the southeast is a light industrial development.

RELEVANT SITE HISTORY

AL/126/21/PL	Demolition of existing building and erection of 5no. houses comprising 1no. 4-bed detached, 2no. 4-bed link detached & 2no. 3-bed detached houses with associated access & parking (resubmission of AL/81/21/PL). This site falls within Strategic Site SD5, CIL Zone 1 (Zero Rated).	Refused 14-01-22
AL/81/21/PL	Demolition of existing building & erection of 5 No houses comprising 1 No 4-bed detached, 2 No 4-bed link detached & 2 No 3-bed detached houses with associated access & parking (resubmission following AL/72/19/PL). This site is in CIL Zone 1 & is Zero Rated.	Refused 06-10-21
AL/72/19/PL	Demolition of existing buildings & erection of 10 No. houses, comprising 1x three bedroom detached, 6x three bedroom semi detached & 3x four bedroom detached houses with associated access & parking (resubmission following AL/118/18/OUT).	Refused 24-12-19
		Appeal: Dismissed 02-04-20
AL/118/18/OUT	Outline application with some matters reserved for the demolition of existing buildings & the erection of 10 No. dwellings comprising 1 No. three bedroom detached, 2 No. three bedroom semi detached, 4 No. four bedroom semi detached & 3 No. four bedroom detached houses with associated access & parking.	Refused 23-07-19

AL/72/19/PL - Demolition of existing buildings & erection of 10 No. houses, comprising 1x three bedroom detached, 6x three bedroom semi-detached & 3x four-bedroom detached houses with associated access & parking (resubmission following AL/118/18/OUT). (REFUSED)

AL/72/19/PL was appealed and dismissed. The reasons for refusal upheld were refuse, drainage, accessibility.

AL/81/21/PL - Demolition of existing building & erection of 5 No houses comprising 1 No 4-bed detached, 2 No 4-bed link detached & 2 No 3-bed detached houses with associated access & parking (resubmission following AL/72/19/PL). This site is in CIL Zone 1 & is Zero Rated. (REFUSED)

AL/126/21/PL - Demolition of existing building and erection of 5no. houses comprising 1no. 4-bed detached, 2no. 4-bed link detached & 2no. 3-bed detached houses with associated access & parking (resubmission of AL/81/21/PL). This site falls within Strategic Site SD5, CIL Zone 1 (Zero Rated). (REFUSED). Reasons for refusal included design, sustainable access, trees, drainage, housing mix, S106, Biodiversity Net Gain.

REPRESENTATIONS

Aldingbourne Parish Council object on the grounds that the site lies outside the Built Up Area Boundary (BUAB); within a strategic allocation, but does not contribute to the infrastructure requirements; is not cohesive with masterplan; contravenes dark skies policy; no biodiversity net gain; impact on bats; access insufficient for construction; adverse impacts to neighbour on Oak Tree Lane.

6 letters of objection were been received, highlighting the following material considerations:

- Application is premature to the BEW Masterplan
- Increased traffic movement relating to construction vehicles and on occupation causing safety issues
- Concern over how construction lorries will turn around
- Builder parking not addressed
- Oak Tree Lane is a private residential lane, and no consent has been sought to use this road
- Loss of existing trees
- Provides precedent for development to be consented prior to the A29 link road accessing the site via Oak Tree Lane
- Pressure on local services (Schools, Doctors, Dentists, lack of leisure facilities)
- Concern that cars would need to reverse onto reeds lane
- Fails to join up pedestrian access and consider access for disabled users
- The 21m gap between the proposal and existing residential development to west regularly floods and would not be therefore accessible on foot
- Should not be allowed to use a site for drainage that does not exist yet
- Parking already an issue, and this will exacerbate it. Parking is inadequate
- Design is not cohesive in relation to existing dwellings

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted but according to the Neighbourhood Plan, the site does lie within the BUAB.

Oak Tree Lane is a private road but not designated by WSCC and there are no proposals to amend the route of the road. Whilst it may be necessary to obtain agreement from the existing residents to intensify any existing access rights over it, land ownership is not a material planning consideration and permission could be granted despite it not being possible to agree the additional use of the road.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arun Drainage - No objection, subject to securing conditions. It was highlighted that previous applications had suggested a pumped connection to the foul sewer, which was not supported. The proposal to connect to an adjacent sites drainage (Pye Homes) could provide an acceptable solution subject to securing the relevant consents with them.

WSCC Highways - No objection subject conditions and securing contributions under S106.

Arboriculturist - A number of issues were initially raised, and have now been resolved through amendments. These included the removal of close boarded fencing in the RPA of T15; amending the layout to ensure that T15 is not within sightlines and at risk of removal; clarification of whether the track will be widened (which is not sought within this application); surface water drainage proposals within RPA's.

Archaeology - No objection.

Ecology - No objection subject to securing biodiversity and ecological enhancements.

Natural England - No objection. Natural England concurred with the conclusions of the Appropriate Assessment, and subject to securing adequate mitigation they had no objection.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
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
HERDM6	HER DM6 Sites of Archaeological Interest
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy H2	Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail
Aldingbourne Neighbourhood Plan 2019-31 Policy EE8	Communications infrastructure

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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 Aldingbourne Neighbourhood Development Plan (ANP) was reviewed in 2020. The reviewed Neighbourhood Development Plan was adopted by Arun District Council on 14 July 2021. Relevant NP policies have been taken into account and are addressed in the below report.

The development is located within the Arun Local Plan Strategic Housing Allocation SD5: Barnham, Eastergate, Westergate

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."

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.

The proposal is considered to comply with relevant Development Plan policies in that the site is located within the Strategic Housing Allocation SD5 and will meet the criteria and requirements of other relevant policies.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

ASSESSMENT VERSUS PREVIOUS REFUSAL (AL/126/21/PL)

The following is a brief commentary on how the resubmission relates to the previous Reasons for Refusal (RfR) as set out in the Planning history section above (AL/126/21/PL).

- (1) The reduction of dwelling sizes, alongside changes to the layout, overcome reasons for refusal 1.
- (2) The proposal provides for a pavement that is located alongside Oak Tree Lane. The adjacent development undertaken by Pye Homes (reference AL/107/21/PL) has been approved at planning committee subject to S106, and if approved will provide a "T" junction to overcome the length of track without any pedestrian provision. undertaken by Pye Homes (reference AL/107/21/PL). therefore this reason for refusal has been overcome.
- (3) A reduction in tree removal alongside removal of hardstanding within tree root protection areas results in the removal of this reason for refusal.
- (4) The scheme proposes gravity fed foul & surface water drainage connections into a proposed BEW development to the southeast. A drainage statement has been submitted, but it has been agreed that an appropriately worded planning condition could allow this to be submitted at a later date. Therefore, this reason for refusal is overcome.
- (5) The proposed housing mix is appropriate and therefore this RfR no longer applies.
- (6) The applicant has now engaged in drafting an indicative Heads of Terms therefore this RfR does not apply
- (7) The application has demonstrated biodiversity net gain, including an adequate tree replacement scheme and therefore this RfR has been overcome.

SUBSTITUTE PLANS

The applicant submitted additional plans during the determination of the application, with key consultees re-consulted. The changes sought to overcome officer concerns, with the main changes being:

- Reduction of dwelling size and layout (change of a 4-bed dwelling to a 3-bed dwelling)
- Change in layout of parking and detail of bike and bin storage
- Reduction in depths of Plots 1 & 2 resulting in increased amenity space
- Changes to Biodiversity Strategy to include additional tree planting to compensate for tree loss
- Additional PV panels, sedum roof on flat roof space, EV locations

PRINCIPLE

The site falls within the Built-Up Area Boundary (BUAB) as identified in the Aldingbourne Neighbourhood Development Plan (ANDP) and the Arun Local Plan (ALP). ANDP policy EH1 and ALP policy SD SP2 supports development within these areas.

The ALP allocated the Barnham, Eastergate and Westergate (BEW) strategic development site upon adoption of the Plan and this site falls within the BEW strategic allocation. ALP policy H SP2 makes it clear that "development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design, giving a sense of place and permeable layout."

Whilst the site falls within the BEW strategic allocation, in accordance with the ALP, the area was not detailed as being central, nor integral, to the delivery of BEW. The intent behind this was to allow for this parcel to come forward at an appropriate time. However, the principles contained in the endorsed Framework Masterplan and the requirements of policy H SP2 (a sense of place and permeable layout) remain equally applicable.

The principle of residential development coming forward on this site is deemed to be acceptable, subject to the development delivering the policy requirements as detailed in ALP policy H SP2.

DESIGN AND LAYOUT

The following local and national policies and guidance are particularly relevant to the determination of this application:

1. Endorsed Barnham, Eastergate and Westergate Framework Masterplan (November 2020);
2. Arun District Council Design Guide (January 2021);
3. National Planning Policy Framework (July 2021); and
4. National Design Guide 2021.

The endorsed Framework Masterplan (FM) contains several High-Level Development Principles (HLDP). In summary, HLDP SDP 7 requires development to exemplify high standards of urban design to create a distinctive and attractive place with legible character areas that maximise the potential for sustainable design and non-motorised travel.

Oak Tree Lane is characterised by residential plots fronting onto the highway. There is an established set back of dwellings from their primary building line to the road of circa 10m. This gives the appearance of a suburban street with an established and coherent width and creates a continuity in the sense of place. All properties accommodate their parking requirements in the form of off-street parking between Oak Tree Lane and the primary elevation of the dwellings.

The reduction in units from previous schemes (A/126/21/PL) and a linear layout fronting the road is welcomed and better reflects the established character of the locality. The pair of semi-detached houses are set back further than the established character of Oak Tree Lane, however the development responds to the constraints of the site by retaining the protected tree (T15). The layout would not entirely conform to the established existing character; however, the proposals would not adversely impact on it.

The proposal would retain and enhance a large proportion of the existing boundary treatments to the east, west and south, which helps screen the development in wider views and maintain the sites positive rural character.

The existing dwellings along Oak Tree Lane have a mixture of front gable and side gable roofs, 1 and 2 storeys, and are varied in their frontages. This provides visual interest in the street scene and reduces bulk.

The proposed dwellings would all be side gabled with half hipped roof forms, and all two storeys. The proposed street scene would provide some variety given the dwelling compositions, frontage widths, boundary treatments, dormers and fenestration and are therefore acceptable.

The proposed dwellings have a reduced depth compared to the previous submission, which is consistent with the established built form along Oak Tree Lane and allows gardens to exceed the minimum depths required by the Arun Design Guide.

The changes to the design and layout of the scheme throughout this application are positive and the

development proposal accords with ALP policies D SP1, H SP2 & H SP2c, ANDP policy H3 and the adopted Arun Design Guide.

SUSTAINABLE TRANSPORT AND ACCESS

In relation to consideration of sustainable transport ALP policy H SP2, T DM1 and ANDP Policy GA1 are most relevant.

The proposed access to the site under a previous submission (AL/72/19/PL) was over approximately 20metres of unmade track from the made surface of Oak Tree Lane, outside of the planning application boundary. Under the dismissed appeal, an Inspector determined that this access caused considerable disadvantages to vulnerable users, including wheelchair users and people who are blind, due to the uneven potholed surfacing absent of any kerb. Consequently, it was in conflict with Policy T SP1 of the LP which, amongst other things, seeks to ensure that development proposals provide safe access to the highway network and consider the needs of people with disabilities by all modes of transport.

The current application seeks to address some of the concerns raised regarding the safe access by providing a length of pavement along the site's frontage, however this pavement would stop on the westernmost boundary of the site and therefore a gap of approximately 10m of unmade track and road would persist.

However, there is a proposed development (application reference AL/107/21/PL) which proposes a footpath which joins Oak Tree Lane and borders the application site. The proposed footpath would create a 'T' pedestrian access which would connect Oak Tree Lane and the new proposed pedestrian access within this application.

As such, subject to the approval of AL/107/21/PL, and subsequent delivery of the pedestrian access, the development would meet ALP policies T SP1, T DM1 and H SP2, policy GA1 of the ANDP, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and the NPPF.

TREES

The relevant policy considerations in relation to trees are policy ENV DM4 of the ALP and policy EH6 of the ANDP. Both policies seek to prevent the loss of trees which contribute to amenity.

The boundaries of the site are mainly vegetated with hedgerows and several mature trees, which provide good amenity and biodiversity value. The trees on the northern boundary further contribute to the character of the rural private lane.

Following the refusal of AL/126/21/PL, which proposed the removal of twenty-one trees, this application proposes the removal of 5no. trees and 1no. area of hedgerow. Two trees which are to be removed are identified as category B trees, which make a significant contribution to the sites verdant character and frontage. The TPO tree (T15, TPO reference TPO/AL/1/19) to the north would be retained.

The proposed layout results in several existing trees located within residential gardens, particularly the southwest corner of Plot 1. However, after layout changes, additional space has been provided within the gardens which will reduce pressure to fell by future occupants.

On balance, the scheme retains sufficient boundary planting whilst providing acceptable levels of amenity space for occupants and the proposal therefore accords with ALP policy ENV DM4 and ANDP policy EH6.

The tree officer has recommended that exploratory trial holes to ensure that the proposed closed boarded fence, however the proposal has been amended which locates a post and rail fence away from TPO tree T15.

BIODIVERSITY, ECOLOGY AND PROTECTED SITES AND SPECIES

ALP policy ENV DM5 and ANDP policy EH6 seek to protect habitats and achieve biodiversity net gain. ANDP policy EH2 2019 seeks to retain commuting corridors and foraging habitat unless it is proven that they are not used by bats linked to the Singleton and Cocking Tunnels Special Area of Conservation (SAC).

The Sustainability & Biodiversity Enhancement Plan (Reference 1324 DP311 Rev 03) indicates nine additional trees, ornamental and wildflower meadow planting along with a green roof on plots 1 & 2. Whilst no biodiversity metric has been provided, the measures are proportionate to the developments scale. Additional measures such as integrated bat and bird boxes, "hogitat" and log piles have also been provided.

The Ecological Impact Assessment Report concludes that six bat species were recorded in 2km of the site. The Appraisal confirms that "trees and hedges are likely used by bats as commuting and foraging feature" but that "the site is likely to be of site value for bats". No Phase 2 surveys have been undertaken or recommended in the Appraisal.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). As per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), an Appropriate Assessment (AA) is required to be undertaken by the LPA (acting as the Competent Authority) on the foraging of bats deriving from the Singleton and Cocking Tunnels SAC.

The conclusions of the AA are that the proposals would not result in any significant adverse impacts on the integrity and function of the Singleton and Cocking tunnels. Natural England have confirmed that they agree with the conclusions of the AA.

The site provides biodiversity enhancements alongside ecosystem services enhancements and subject to the conclusions of the AA being that no adverse impact on the integrity of the site is found, the development proposal would accord with ALP policy ENV DM1, ENV SP1, ENV DM5 and ANDP policy EH6.

SURFACE AND FOUL WATER

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that all development within this area must also be accompanied by a Drainage Impact Assessment that takes account of both the individual and cumulative impact upon foul water disposal, flood storage capacity and surface water drainage or flood flows within the area.

ALP policy W DM3 seeks to ensure SUDS discharge water from developments to be at a lesser rate, as prior to construction. ANDP policy EH5 requires new development make appropriate provision for accommodating foul and surface water.

The applicant demonstrated on a previous application (AL/81/21/PL) infiltration as a means of surface water disposal is not viable due to high groundwater levels. This position has been accepted previously by the Council's Drainage Engineers.

The hierarchy for sustainable drainage states that if infiltration is not viable then discharge to a

watercourse should be investigated, followed by discharge to a surface water sewer, and then a combined sewer where there are no other options. An application previously (AL/81/21/PL) showed a pumped surface and foul system to the existing public foul sewer on Oak Tree Lane which was considered unacceptable due to increased flood risk in the Lidsey Catchment and being unsustainable.

The applicant now proposes separate gravity fed surface & foul connections to the development on the adjacent land to the southeast. This development was approved at planning committee subject to finalising a Section106 agreements.

Drainage engineers have confirmed conditions could be imposed to prevent commencement until 1) the design of the surface and foul drainage systems has been agreed with the neighbouring landowner, and 2) installed in line with the delivery of the adjoining site. Therefore, it is critical that the relevant sections of the adjoining developments surface water drainage system are constructed to provide a means of accepting flows from Ryefields and ultimately discharging to the watercourse (main river) prior to the commencement of any development. This is to ensure that there is no increase in flood risk because of differing timescales for the developments.

The proposal is now acceptable regarding the surface water drainage policies. Whilst a Drainage Statement has been included within this application, there is a lack of detail regarding the cumulative impacts on drainage, as per the requirements of a Drainage Impact Assessment in support of Policy W DM1 (3). However, whilst the design is unknown and a pre commencement condition is included for details relating to the drainage, it would seem reasonable that this could form part of the condition. Therefore, subject to the use of an appropriately worded condition the development could accord with ALP policy W DM1.

RESIDENTIAL AMENITY

ALP policy D DM1 and policy QE SP1 seek to contribute positively to the quality of the environment and protect residential amenity for both occupiers and neighbours.

The proposed Block Plan (1324 DP301 Rev 02) confirms that all garden plot depths would exceed the 10.5metres minimum length for rear gardens. Planting areas and defensible spaces are provided alongside the parking bays to the front of dwellings.

There is proposed development to the south of the application site, which has been approved subject to S106. Planning application reference AL/107/21/PL shows courtyard parking in addition to rear private gardens, providing an adequate separation distance between dwellings to avoid any unacceptably adverse harm to residential amenity.

Therefore, the amenity of future occupiers of the site would be acceptable and would accord with ALP Policies D DM1 and QE SP1.

PARKING & HIGHWAY SAFETY

ALP Policy T SP1 and ANDP policy GA3 alongside the adopted Arun District Council Parking Standards SPD (January 2020), seek to provide sufficient parking, ensure safe access within and on to the highway network and promote sustainable transport.

The parking requirement of this development is ten spaces, including one visitor space. The proposal provides for twelve allocated parking spaces and two visitor spaces which are in a shared driveway accessed by plots 2, 3 and 4. The overprovision of parking allows plot 1 to have four spaces which could act as visitor provision for this dwelling.

West Sussex County Council raise no objections to the proposal in respect of access, visibility, or trip generation.

Based on the above, the proposal would deliver satisfactory parking provision and would therefore accord with Policy T SP1 of the Arun Local Plan.

ARCHAEOLOGY

ALP Policy HER DM6 seeks to avoid harm to archaeological heritage assets.

The site falls in a designated Archaeological Notification Area. Whilst an Archaeology report has not been submitted, the Councils Archaeologist has raised no objection and stated there are no known archaeological remains here and no archaeological intervention would be justified. Although there remains conflict with policy HER DM6 in that a desktop study was not undertaken, the advice from the county archaeologist suggests that this would not result in a different outcome. Therefore, refusing the application on this basis would not be sustainable to include this as refusal reason.

CLIMATE CHANGE

ALP policy ECC SP2 requires all new residential development to incorporate renewable energy supply systems. ALP policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change, such as energy and water efficiency.

PV panels have been proposed and the details of this alongside other energy/water efficiency measures can be secured via planning condition, which would be consistent with ALP policy ECC SP2 and ECC SP1.

SPACE STANDARDS

The proposed floor plans meet the Nationally Described Space Standard for minimum gross internal floor areas, in accordance with Policy ALP Policy D DM2. Furthermore, 50% of the plots will comply with Lifetime Homes standards (Part 4(2)) which will be secured via planning condition.

INFRASTRUCTURE AND CONTRIBUTIONS

Policy INF SP1 of the ALP requires developments to proportionally contribute to wider infrastructure and service needs. Necessary infrastructure has been identified for strategic development site (Policy H SP2c), which includes highways improvements.

The applicant has agreed to enter into a Section 106 agreement to secure the necessary infrastructure relating to the development. A Heads of Terms is included alongside the recommendation setting out the contributions for this development in accordance with policies H SP2, H SP2c and INF SP1 of the Arun Local Plan.

OTHER MATTERS

It is noted that Oak Tree Lane is a private Lane, and as such there are concerns over rights of access, and maintenance. This is a matter which is not considered by planning.

RECOMMENDATION

The recommendation to members is that the application is approved with conditions, subject to a S106

being agreed within 3 months of the date of the planning committee.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

A Heads of Term has been prepared in relation to the development proposals.

CIL DETAILS

This development is not CIL liable as it falls within Strategic Site SD5.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 and documents:

Block Plan DP301 Rev 02
Location and Context Plan DP300 Rec 02
Sustainability and Biodiversity Plan - DP311 Rev 03
Proposed Site Plan DP0302 Rev 3

Floor Plan Plot 3 and 4 - DP307 Rev 02
Floor Plan Plot 2 DP305 Rev 03
Floor Plan Plot 1 DP303 Rev 02
Existing and Proposed Sections and Finished Floor/Site Levels DP310 Rev 02
Proposed Street Elevation DP309 Rev 02
Proposed Elevation D306 Plot 2 Rev 02
Proposed Elevation Plot 3 and 4 D308 Rev 01
Proposed Elevation Plot 1 D304 Rev 02
Tree Retention and Protection Plan LLD2289-ARB-DWG-002 Rev 06
Ecological Impact Assessment September 2021 Rev 01
Arboricultural Impact Assessment and Method Statement September 2021 LLD2289-ARB-REP-001 Rev 05

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development (including demolition) shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: In the interests of neighbour amenity and to ensure adequate mitigation for bats in line with the HRA Appropriate Assessment.

- 4 No development shall commence until a schedule of all materials and finishes to be used for external walls, and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policies D DM1/D DM4 of the Arun Local Plan.

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Where the design of the surface water drainage scheme relies on an adjacent development, a Deed of Easement detailing agreement of taking such drainage shall also be provided as part of the required details. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 6 In the instance that the approved drainage design permitted under condition 3 requires drainage discharge into a nearby approved development (AL/107/21/PL or another approved permission), commencement of this development shall not be allowed until the delivery of the

drainage system in the adjacent land is fully implemented and operational.

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

- 7 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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

- 8 Prior to the commencement of the development, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 9 Prior to the commencement of the development, including any works of demolition, a Construction and Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction.
- The method of access and routing of vehicles during construction.
- The parking of vehicles by site operatives and visitors.
- The loading and unloading of plant, materials and waste.
- The storage of plant and materials used in construction of the development.
- The erection and maintenance of security hoarding.
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical and sensitive working practices) to avoid or reduce impacts on bats during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The time during construction when specialist ecologists need to be present on site to oversee

works.

- Responsible persons and lines of communication.
- Use of protective fences, exclusion barrier and warning signs.

Reason: In the interests of highway safety and the amenities of the area.

- 10 Prior to the commencement of development, a strategy for the provision or facilitation of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with policy TEL DM1 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until visibility splays of 2.0m by 23m to the east and 2.0m by 15m to the west have been provided at the proposed site vehicular access onto Oak Tree Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety

- 12 Prior to the occupation of each individual dwelling, a minimum of 1 no. Electric Vehicle Charging point per dwelling will be constructed in accordance with approved Block Plan - DP302 Rev 2. The charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, 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 Parking Standards SPD and the National Planning Policy Framework.

- 13 Prior to the occupation of each individual dwelling hereby permitted, the solar panels shall be constructed and in full working order. The solar panels shall be retained in perpetuity unless otherwise agreed by the Local Planning Authority.

Reason: In order for the development to accord with Policy ECC SP2 of the Arun Local Plan.

- 14 Prior to occupation of the first dwelling, details of any external lighting, including domestic and security lighting, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed upon completion of the development and shall remain in perpetuity.

Reason: In order to ensure that the integrity of the SAC is retained in accordance with the conclusions of the Appropriate Assessment, and Policies ENV SP1, ENV DM1 of the Arun Local Plan.

- 15 Prior to occupation, details of covered and secure cycle parking spaces shall be submitted and approved in writing by the Local Planning Authority. No individual dwelling shall be

occupied until cycle spaces have been constructed in accordance with the approved details. The cycle parking shall thereafter remain in perpetuity.

Reason: To provide alternative and sustainable travel options in accordance with policies T DM1 of the Arun Local Plan.

- 16 No individual dwelling shall be occupied until the car parking and associated turning area serving the respective dwelling has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 17 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 and ECC SP1 of the Arun Local Plan.

- 18 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 19 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

- 20 The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

- 21 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

- 22 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) 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 storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in

particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

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. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

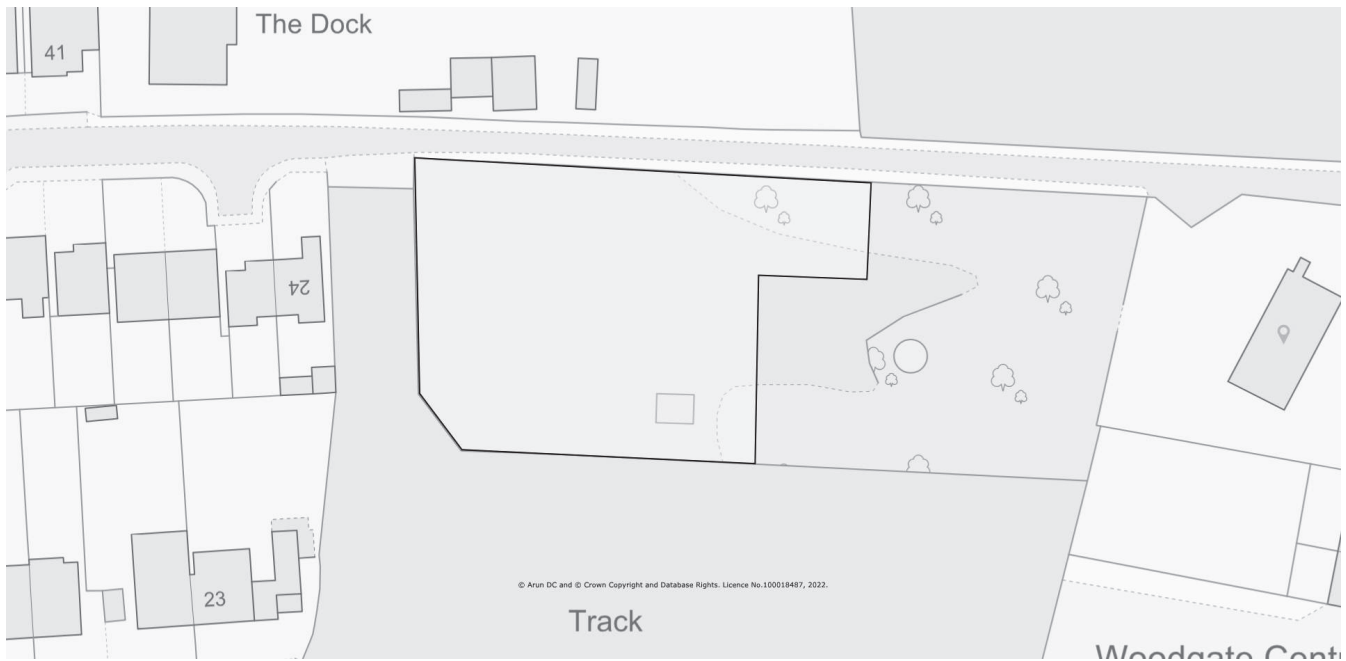
Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 23 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 24 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website [by going to https://www.arun.gov.uk/weekly-lists](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

AL/31/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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