

PLANNING APPLICATION REPORT

REF NO:	AL/42/23/PL
LOCATION:	Land west of Westergate Lodge Westergate Street Westergate
PROPOSAL:	Development of 2 No. dwellings, with associated access from Westergate Street, parking, and landscaping. This application is a departure from the development plan, is in CIL Zone 3 and CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to clear part of the site that fronts the access to the west of the existing dwelling and site 2 two-storey dwellings. These will have pitched & gabled roofs and have attached pitched roof garage/car port arrangements. The designs include pitched porches and chimneys. The plans indicate the planting of 19 new native trees to the front, sides & rear, a new native hedgerow on the eastern boundary, new shrubs and 5 further trees forming a line within the woodland. Each dwelling has 4 bedrooms and 4 parking spaces (with each including 1 garage & 1 car port).
SITE AREA	0.6 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	The density of the land to be occupied by the two dwellings and their gardens is approximately 15.3dph.
TOPOGRAPHY	Predominantly flat.
TREES	The proposal will involve the removal of 8 trees and 2 tree groups which range in height from 5m to 16m and include Oak, Sycamore, Willow, Hawthorn, Apple, Pear, Cherry, and Elder. There are no Tree Preservation Orders on these. The existing trees in the woodland to the south will be retained.
BOUNDARY TREATMENT	Mix of barbed wire and chain link fencing all around 1.3m high. The site has some traces of old walls which were previously part of greenhouses, raised beds or structures associated with the land. The scheme proposes the use of close boarded fencing, post & rail fencing, and a small section of 1.8m brick wall between the two houses.
SITE CHARACTERISTICS	The site comprises of a large, detached house of two storeys with garden to the south and west. The house is set back a short distance from an access road* which joins with the A29 Westergate Street approx. 110m to the east and serves 4 other dwellings and a horticultural site to the west. There is a single storey barn building on site which is to be removed.

* this is termed a road throughout this report however it is

acknowledged that at a point close to the property "Casa Prima" (to the east of the site), it changes from tarmac to gravel and therefore becomes a track.

CHARACTER OF LOCALITY

The site lies in a semi-rural area just outside the defined built-up area with residential dwellings immediately to the east, farmland to the north, a horticultural nursery to the west and sports fields to the south (beyond the woodland). The closest residential dwellings are Westergate Lodge and "Richard Reads" to the east.

RELEVANT SITE HISTORY

AL/67/12/	Erection of detached building for storage purposes	ApproveConditionally 18-09-12
AL/68/12/	Erection of a Polythene Tunnel	ApproveConditionally 17-09-12
AL/66/12/	Creation of a Wildlife Pond	ApproveConditionally 18-09-12

The Pond approved in 2012 is on land to the west (approximately 70m from the site) and has been assessed by the ecology assessment. This site has been subject to three previous pre-application enquiries, relating to change of use of an annex to a 2 bedroom holiday let, erection of 2 Shepherd's Huts/Pods together with a toilet/shower shed, and most recently, a development of 3 dwellings. In the case of the latter, development was proposed in the woodland area to the south, but this was not supported.

REPRESENTATIONS

Aldingbourne Parish Council object as it is a departure from the Development Plan being residential development outside the agreed Built-up Area Boundary as per EH1 of the Aldingbourne Neighbourhood Development Plan (ANDP).

Three letters of support:

- Will be in character with the surrounding area and improve the streetscene.
- Positive to rejuvenate the currently overgrown plot.
- Two new family homes is positive for the local area.
- Proposal is sympathetic to the environment.
- Energy efficiency measures are welcomed; and
- Retention of the woodland land area and proposed landscaping is positive.

Six letters of objection:

- Harm to a biodiversity corridor and conflict with ANDP policy.
- Will set a precedent for further developments in these corridors.
- 4% Biodiversity Net Gain is not significant.
- Loss of trees and disturbance to woodland.
- Little benefit to the local community.
- Out of character with the streetscene.
- There are no passing places on the access road other than at the junction with the A29 Westergate Street.
- The junction area is frequently parked on by BT technicians.
- Request submission of a traffic management strategy to inform construction vehicle movements to/from the site.
- At present the end of the lane is completely dark and narrow.
- The recommended ecology conditions are unenforceable especially regarding artificial light.
- No provision of affordable housing.
- Outside the settlement boundary; and
- Damage to the surface of the access road, the verges, adjacent fencing, stream bank and services during construction (the developer must cover the costs of any damage).

COMMENTS ON REPRESENTATIONS RECEIVED:

The letters of support are noted. The majority of the objections will be assessed in the conclusions with the exception of:

- It is acknowledged that there is a telephone pole at the junction and maintenance vehicles may park in this location.
- There are no concerns with the enforceability of the conditions however the lighting condition as imposed is a standard condition (not the one requested).
- A scheme of 2 dwellings does not meet the policy threshold for affordable housing; and
- Damage to land or physical features in separate ownership is not a material planning consideration and is instead covered by civil law. The stream in question lies on the access road opposite De Burgh Cottage.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTH DOWNS NATIONAL PARK AUTHORITY - no objection.

SOUTHERN WATER - no objection subject to an informative regarding connection to the existing foul sewer.

WSCC HIGHWAYS (LHA) - no objection subject to conditions. The following is a summary of the comments:

- There are no apparent visibility issues with the existing point of access on to Westergate Street.
- The development is not anticipated to give rise to a significant material intensification of use of the existing access point.
- The internal access road may be too narrow in places for two cars to pass one another.
- Given the scale of the development, the LHA anticipates that the chances of vehicular conflict will be low. In addition, there are places where a vehicle can wait and allow another to pass.
- No recorded injury accidents attributed to road layout within the vicinity of the site.

- The parking bays and garages appear suitably sized, and on-site turning has been demonstrated to the satisfaction of the LHA.
- Garages are of suitable size to be suitable for the secure storage of cycles, in accordance with Arun Parking Standards.

WSSC FIRE - request a condition to secure a fire hydrant or a sprinkler system and accompanying maintenance regime.

ADC DRAINAGE ENGINEERS - no objection subject to conditions. The following is a summary of the comments:

- The Flood Risk Assessment and Drainage Strategy Report does not meet ADC requirements and should not be listed as an approved document.
- It is not expected that surface water drainage design for the site will impinge on the number of properties or layout; and
- As winter groundwater monitoring has been provided, this can be excluded from the condition but the winter percolation testing was not done to ADC requirements so this element must remain.

ADC ENVIRONMENTAL HEALTH - no objection subject to various conditions.

ADC TREE OFFICER - no objection subject to conditions. The following is a summary of the comments:

- The proposal will involve the removal of a relatively high volume of individual trees and groups.
- There is obvious environmental value provided by vegetation on and adjacent the site.
- There is an eclectic mix of tree types, with exotic species in amongst the dominant natives.
- By strict arboricultural planning, they are of low amenity value but collectively contribute to the local landscape and semi-rural character of the street; and
- Although not worthy of a TPO, T3, a Red Oak could be satisfactorily accommodated in the existing layout.

COUNCIL's ARCHAEOLOGIST - no objection subject to a standard condition.

COUNCIL's ECOLOGIST - no objection subject to conditions to secure biodiversity mitigation/enhancement measures. The following is a summary of the comments:

- The ecological report has assessed the likely impacts from the proposals on bat species including foraging & commuting and has considered the ANDP which includes policy relating to the Cocking & Singleton Tunnels Special Area of Conservation (SAC).
- There are Barbastelle records approximately 250 metres from the site.
- Are satisfied that bats and the SAC have been sufficiently considered.
- An off-site pond may support Great Crested Newts (GCN) therefore mitigation is required.
- Mitigation is also required for Hedgehogs, Badger, and breeding birds; and
- The Biodiversity Net Gain (BNG) report estimates a net gain in Habitat Units of 4.63% and Linear Units of +100%.

COMMENTS ON CONSULTATION RESPONSES:

ADC ENVIRONMENTAL HEALTH - It is not appropriate to impose a Construction Management Plan condition given the small scale of the proposal. It is not appropriate to impose a condition requiring noise mitigation to ensure indoor ambient noise levels. This is not a particularly noisy location and noise insulation/ventilation is covered by Building Regulations.

TREE OFFICER - The T3 Oak is shown retained on the Tree Protection Plan and on the proposed layout plans.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Current/Future Flood Zone 1.
- Lidsey Treatment Catchment Area.
- Public Right of Way (PRoW) running along the site frontage (follows the line of the road).
- WSCC Mineral Safeguarding Area (Sharp Sand & Gravel).
- Within an ANDP designated Biodiversity Corridor.
- Within 12km of the Singleton & Cocking Tunnels Special Area of Conservation.
- Area of Advert Special Control; and
- Archaeological Notification 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
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
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy H2</u>	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 EH1	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2	Green infrastructure and eco systems.
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 EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies of the Aldingbourne Neighbourhood Development Plan (ANDP) as made on 14/07/2021 are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with the development plan in that it would result in development outside of the defined settlement boundary and proposes development within an ANDP designated biodiversity corridor.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are discussed in the conclusions section below.

CONCLUSIONS

PRINCIPLE:

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

The Council published its Authority Monitoring Report (AMR) for 2021/22 and this shows the Housing Land Supply (HLS) has marginally decreased from 2.42 years to 2.36 years. On the basis of the current AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP was made relatively recently and does have greater weight but due to the HLS being below 3 years does not benefit from the weight given to recently made plans under para 14 of the NPPF and so the presumption in favour of sustainable development would be unaffected by the ANDP.

Policy C SP1 of the ALP states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2.

The ANDP was made on 14/07/21 and shows the site outside the BUAB. Policy EH1 states development proposals on land west of Westergate Street and outside of the BUAB will not be supported. The proposal is in conflict with this policy. The Policy goes to say that where there is a demonstrable shortfall of housing land supply having regard to the requirements of the adopted ALP, development proposals can be supported provided they meet specific criteria.

ANDP policy GA1 is also relevant but has the same requirements as EH1. The following is an analysis of the EH1 criteria:

- (i) The proposal contributes towards Arun's annual housing need.
- (ii) The site does not lie in or particularly close to the South Downs. The SDNPA have advised no objection. The proposals includes a landscape scheme including new trees to help the development integrate with its surroundings.
- (iii) Character is discussed elsewhere but no concerns are raised as the proposal reflects the existing lower density pattern of housing to the north and east.
- (iv) An Appropriate Assessment has been prepared which concludes that subject to conditions, there will be no adverse effect on the integrity of the Singleton and Cocking Tunnels SAC. Natural England are reviewing this.

- (v) WSCC Highways advise that the site is sustainably located as residents have access to bus links whilst walking and cycling are viable methods of reaching facilities & services.
- (vi) This report concludes no adverse environmental, amenity, flooding, or traffic impacts.
- (vii) The site does lie in an ANDP designated biodiversity corridor. However, the proposal has been designed to ensure there is no significant harm to the integrity or function of the Biodiversity Corridor.

The proposal conflicts with the first part of policy and then also with criterion (vii).

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered. This is discussed at the end of this report.

Other Material Considerations

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site forms part of a much larger HELAA site (ref WE10) which was assessed in the 2021 HELAA as 'not developable' and so would not benefit from support from the Action Plan.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as the edge of the BUAB is between Westergate Lodge and Richard Reads. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application states the proposal meets all but one of the criteria (the exception being the site is not in the BUAB) and scores highly against the criteria.

Sustainability

As per the comments of WSCC Highways and the location itself, the site, despite being outside the BUAB, is clearly sustainably located. The development will result in the felling of trees, but the developer will be required to replace trees lost on a 2:1 basis (and indeed the landscaping scheme reflects this). Electric vehicle charging points, energy efficiency measures and superfast broadband will be secured by condition, and these will help to reduce travel and other emissions.

The proposal will provide two dwellings which will make a very minor contribution to the current HLS shortfall and help in a small way to meet local housing needs. The development will result in the creation (or retention of) of jobs and wages during the construction phase whilst making a small contribution to the overall long-term prosperity of residents and businesses in the District of Arun in perpetuity.

The proposal meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

Conclusion on Matters of Principle:

The principle of development on this site conflicts with the ALP and the ANDP in respect of development in the countryside and within a biodiversity corridor. It is material, as will be discussed later, that the council's ecologist raises no objection. It must be noted that the dwelling and the associated gardens (which form the site) are in the Biodiversity Corridor. The site is at the edge of this designation which ends at the sports fields to the south of the site. The key bat corridor has been identified to the west of the site, along the Chalk Stream, as well as along the unnamed private road. No built form is proposed in

these areas.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

ANDP policy GA3 requires parking be provided to meet current standards. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The site will be accessed from the un-adopted road which has a junction with Westergate Street (A29) to the east). No access changes are proposed or required. WSCC Highways raise no objections and state no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe (NPPF para 111).

The council's Parking Standards SPD sets out a need for 3 parking spaces per dwelling with no visitor requirement. The proposal exceeds this as the sum of the parking for each plot is 3.5 spaces (with the garages counted as half a space). The garages are also large enough to accommodate the storage of cycles.

The proposal complies with the relevant development plan policies and the guidance on highway safety within the NPPF.

LANDSCAPE & TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respect the characteristics & natural features of the relevant landscape character areas and aims to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in landscaping proposals.

ALP policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. ANDP policy EH6 states the loss of trees contributing to amenity can only be sanctioned where the benefits outweigh the loss.

The site is some distance from the South Downs National Park and the SDNPA raise no objection. Given the extensive tree cover to the south/west and existing trees on the north side of the access, the houses will blend into the surrounding environment. The scheme includes proposed tree and hedge planting, and this will help to enhance existing planting and soften the development particularly when viewed from the front. As discussed elsewhere, a landscape scheme has been provided and this details new trees, shrubs, and hedging. This is sufficient in detail to not require the submission of a scheme by condition.

The submission includes a tree survey and tree protection plan. Although 8 trees and 2 tree groups are

to be removed, the landscape plan details the planting of 19 new trees to replace those lost. The scheme preserves the woodland area to the rear (which had been proposed for development by the pre-application enquiry). The council's tree officer raises no objections and states none of the trees to be lost are of high value or particularly contribute to amenity. There is no conflict with the relevant policies.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain. Policy EH2 outlines that new development in the Biodiversity Corridor will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors.

Policy EH12 states proposals for the development of greenfield sites in the Parish must evaluate whether there is a potential for the loss of suitable foraging habitat and / or the severance of commuting flight lines, such as in the form of mature treelines, hedgerows, and watercourses. It states where these corridors are used by roosting feeding or commuting bats, development within 50m will be resisted. As the site lies within the corridor, EH2 takes precedence.

The application is accompanied by an Ecological Assessment (based on previous phase 1 ecological surveys) which states:

- The site where the houses will be is open and has been used as a working area for the owner to undertake site management works relating to the woodland including cutting, piling, burning, and chopping firewood.
- Vegetation and trees are mostly maintained short/previously pollarded with invading scrub and trees present at the boundaries.
- The woodland to the south is mixed containing Sycamore, Willow, Oak, Common Lime, Fir species, Birch, Siberian Larch, Ash, and fruit trees.
- Bats have been recorded along a wildlife corridor 100m to the west.
- The trees and the building to be removed have negligible bat roosting potential.
- Bat activity is predominantly confined to the treeline along the northern edge of the access road which links Westergate, to the east, with the open countryside to the west.
- During the transect surveys, very little bat activity was recorded in the woodland itself.
- The proposal has been designed to retain and enhance the existing bat habitat. The existing bat flight line along the access road will be enhanced with new tree planting of a species attractive to bats.
- Open bottom bat boxes will be located in woodland to benefit roosting bats and new features will also be installed into the fabric of the buildings for roosting bats.
- The site has low value for reptiles, dormice, stag beetles; and
- Due to the potential for the pond to the west to support Great Crested Newts, a Low Impact European Protected Species licence will be applied for, and an amphibian fence will be erected around the construction area prior to construction.
- Mitigation measures will also support birds, hedgehogs, and stag beetles.

In respect of lighting, the report states a maximum of one light consisting of a down lighter will be used on the front of each house with no rear external lighting. Tinted windows to minimise glare from inside lights will be used on the house windows.

A Biodiversity Net Gain (BNG) Statement has been provided and this shows a net gain of 4.63% (0.19 Habitat Units). It is important to note there will be a significant Net Gain in Hedgerow Habitat given none is currently present. It is acknowledged that government proposals are that all schemes should achieve 10% BNG however this is not yet in force (excepted November 2023). Development plan policies simply

require that BNG is demonstrated.

The council's ecologist raises no objections with conditions recommended to secure the mitigation/enhancement measures and control lighting. Whilst there is conflict with policies EH2 and EH12 in respect of the biodiversity corridor, there are material considerations that outweigh this - namely the lack of an objection from the ecologist, the location of the site and the potential for works to be undertaken on the site under permitted development rights. Given the comments of the council's ecologist, it would be very difficult to substantiate a refusal on harm to the biodiversity corridor at a planning appeal.

In respect of the location within the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC), the council has prepared an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concludes there would not be any adverse effects on the SAC due to provision of suitable avoidance and mitigation measures. This was issued to Natural England on the 16th of June and their comments (if any) will be reported at the committee meeting.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area.

ANDP policy H3 states density should be appropriate to location. Policy H8 requires design of dwellings include things like cycle stores, meter boxes, bin stores, flues/ducts, gutters, and communications connections. Conditions would be used to secure broadband connections and cycle storage. The drawings do not show any of the other required features, but these would all be required to make the houses useable and there is certainty that the houses will have them.

The Arun Design Guide (ADG) suggests a density of 5-15 dwellings per hectare (dph) in rural locations and so the site density of 15.3dph is appropriate.

The proposal will have an impact on the character of the immediate area as it will develop open garden land in a location beyond the settlement boundary with a corresponding loss of natural vegetation however this impact will be only noticeable at the local level and the increase in car movements along the access is not likely to be such that other users will be adversely affected.

Page 130 of the Design Guide has a section on rural development and the proposal meets this as it reflects the existing residential character and scale of the area. The proposed dwellings are of high quality, include traditional features and, in the interests of simplicity, the proposed materials (brick, tile, hanging tile) are kept to a minimum. The house designs respect those of other dwellings accessed from or bordering the access road. The site currently comprises a large rectangular single storey dilapidated barn (15m wide) which is prominent from the road. The removal of this will be positive.

The development will not harm the character & appearance of the locality and the proposal complies with the relevant design policies as set out above.

RESIDENTIAL AMENITY:

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

With the dwellings being side by side (and to the west of Westergate Lodge) and no other dwellings to the front or rear, there are no conflicts with the standards. Given the anticipated low nature of future traffic movements associated with the occupation of the dwellings, it is unlikely that there will be any harm to the other existing residents who either take access from or back onto the access road. The scheme therefore accords with ALP policies D DM1, QE SP1 and with the ADG.

INTERNAL & EXTERNAL SPACE STANDARDS:

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will provide a good standard of amenity for future residential occupiers. The requirement for a 2 storey, 4-bedroom, 8-person dwelling is 124m² and each house far exceeds this.

The ADG sets out that private rear gardens should be at least 10.5m deep; and that front gardens should be 2m deep. Plot 1 has a rear garden depth of between 12.5m and 20m, whilst plot 2 is between 10.5m and 14.5m. Front gardens reflect the length of a parking space so easily exceed the standard.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Light levels should be the minimum required for security and working purposes. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The proposal states a maximum of one light consisting of a down lighter will be used on the front of each house with no rear external lighting. Tinted windows to minimise glare from inside lights will be used on the house windows. A condition will be imposed to secure the precise details of lighting and therefore there is no conflict with the policies.

DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. As the site lies in the Lidsey Wastewater Treatment Works Catchment Area, policy W DM1 is relevant, and this requires submission of a Drainage Impact Assessment. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

There is conflict with W DM1 as no Drainage Impact Assessment has been provided however it is material that neither Southern Water nor the council's drainage engineers raise any concerns.

The scheme proposes to utilize 390m² of permeable block paving with a subbase to allow rainfall to infiltrate into the ground. Rainfall will discharge to diffuser units within the permeable pavement subbase from the buildings via gully, pipe and catch pits. Runoff from the garages will discharge onto the permeable block paving via open rainwater pipes. The foul discharge will be joined to the existing sewer within the access road which currently ends just adjacent to Westergate Lodge.

The council's drainage engineers raise no objections and recommend standard conditions therefore, there is no conflict with the relevant surface water drainage policies. Southern Water also raise no objection.

ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The application documents are silent on these policies, however even if they were not then it would be standard practice to impose a condition to demonstrate the development will achieve energy efficiency measures that reflect the standards applicable at the time of submission and includes the use of renewable energy supply systems. A condition will also be imposed requiring electric vehicle charge points to serve the site. The proposal complies with policies ECC SP1 and ECC SP2.

SUMMARY & TILTED BALANCE:

This report identifies that the proposal is in conflict with (and/or causes harm to) the council's policies in respect of development in the countryside, impact on a designated Biodiversity Corridor, and no submission of a drainage impact assessment. This report has identified material considerations which would outweigh these conflicts namely:

- The lack of a 5-year HLS.
- The Interim Policy Statement for Housing Delivery (IHS).
- The most recent Housing Delivery Test results.
- The location of the dwellings with existing residential development bordering to the east.
- The extensive survey work in respect of bats.
- The comments of the council's ecologist.
- The ability of the owner to use permitted development rights on the land
- The fact that the key bat corridor has been identified to the west of the site, along the Chalk Stream, as well as along the unnamed private road; and
- The non-objections from Southern Water and council drainage engineers.

The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF. It would also be very difficult to substantiate any refusal reasons at appeal based on the conflicts above given the lack of supporting consultation advice.

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.

CIL DETAILS

The site is in CIL Zone 3 and is liable for a CIL payment of £68,798.34 with 25% of this being allocated to the Parish Council.

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 Location Plan Dwg No 21-1019-001B.
 Proposed Site Layout Dwg No 21-1019-090D.
 Proposed Site Layout Additional Areas Dwg No 21-1019-095D.
 Proposed Site Layout Development & Ecology Site Areas Dwg No 21-1019-094 D.
 Proposed Wall and Fence Details Dwg No 21-1019-092 A.
 Plot 1 Floor Plans, Elevations and Roof Plan Dwg No 21-1019-098 H.
 Plot 1 - 3D Views and Gross Internal Areas Plan Dwg No 21-1019-101 A.
 Plot 2 Floor Plans, Elevations and Roof Plan Dwg No 21-1019-099 G.
 Plot 2 - 3D Views and Gross Internal Area Plans Dwg No 21-1019-100 A.
 Site Section A-A Dwg No 21-1019-090 E.
 Landscape Plan Overall Site Plan Dwg No 2021-L6400-002 Rev C.
 Landscape Plan Landscape Layout Dwg No 2021-L6400-003 Rev A.
 Tree Protection Plan Dwg No 21-1019-090 C; and
 Root Protection Area Dwg No ENC/100620/5KK0-B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1, ENV DM4, ENV DM5 and T SP1 of the Arun Local Plan.

- 3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Peach Ecology, March 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works

shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 4 All activity at the site is to be carried out in strict accordance with: - Arboricultural Report (Method Statement) from Johnston Tree Consultancy, April 2022.

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.

Reason: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with Policies ENV DM4 and D DM1 of the Arun Local Plan.

- 5 No demolition/construction activities 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: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan.

- 6 Any works which will impact the resting place of Great Crested Newts (GCN), shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) evidence of site registration supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or
- c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because Great Crested Newts are a protected species and must not be harmed.

- 7 No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall

include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) Containment, control and removal of any Invasive non-native species present on site

The approved Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because on-site wildlife including protected species must be safeguarded.

- 8 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. 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.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

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

- 10 No development/demolition/levels changes (apart from any survey works required by other conditions) shall take place and no machinery shall be introduced to the site, unless and until written confirmation (supported by photographic evidence) is provided by the Arboricultural Expert representing the site owner(s) that all protective fencing has been erected and positioned exactly as described and illustrated in the approved Arboricultural Report (Appendix 3 Tree Protection Plan, 21-1019-090C, 17-01-2023).

Reason: To comply with BS5837:2012 and ensure the retention of trees which are an important feature of the area, in accordance with Policies ENV DM4 and D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 11 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

- 12 The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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 of the Arun Local Plan.

- 13 No development above damp-proof course (DPC) level shall take place unless and until either:

- (a) details of the proposed location of the required fire hydrant within 150m of the site; or
- (b) details of the proposed internal sprinkler system and maintenance routine,

have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and The Fire & Rescue Service Act 2004.

- 14 Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants or sprinkler system in the approved locations. The fire hydrants shall be to BS:750 standards or stored water supply and the developer must arrange for connection of the fire hydrant or sprinkler system to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network. Any approved sprinkler system shall be maintained by the owner/occupier in accordance with the approved maintenance routine.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and The Fire & Rescue Service Act 2004.

- 15 No development above damp-proof course (DPC) level shall take place unless and until a Biodiversity Enhancement Strategy for protected and Priority species as prepared by a suitably qualified ecologist has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 16 No part of the development shall be first occupied unless and until a 30-year Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), ALP policy ENV DM5 and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Arun Local Plan policy T SP1.

- 18 No external lighting shall be installed on the site unless and until full details (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) have been submitted to and approved in writing by the Local Planning Authority. The submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the site/site environs (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 19 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings 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 will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 20 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, 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 NPPF.

- 21 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling/the building and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 22 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 policies ECC SP1 and W DM1 of the Arun Local Plan.

- 23 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 ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 24 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 25 INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department, WSFRS on the details given below: Frs.waterandaccess@westsussex.gov.uk

- 26 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'.

- 27 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 28 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available from : <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>
- 29 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in the event that substantiated complaints within the remit of the Environmental Protection Act 1990 are received. For further information, please contact the Environmental Health Department on 01903 737555.
- 30 INFORMATIVE: The applicant's 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 the cutting or chipping trees. In addition, air quality could 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.

- 31 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

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> and entering the application reference or directly by clicking on this link.

