PLANNING APPLICATION REPORT

REF NO: CM/21/19/PL

LOCATION: Land adjacent to Scyld
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Construction of 9 no. dwellings, access, landscaping and associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for nine detached 2 storey houses comprising 1 no. 5-bed, 3 no. 4-bed, 3 no. 3-bed and 2 no. 2-bed dwellings. A new access is proposed for the development to be located between the properties Scyld and Forgetmenot Cottage.
SITE AREA	0.66 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 14 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site has been cleared of trees except on the site boundaries.
BOUNDARY TREATMENT	The boundary to the West along the boundary of Scyld has a 2m high fence that runs the full length of the plot. The boundary to Apple Tree Walk is also fenced to 2m with foliage to Horsemere Green Lane. Other boundaries are enclosed by 2m high fencing.
SITE CHARACTERISTICS	The application site is located on the south side of Horsemere Green Lane. It is an overgrown, vacant plot of land.
CHARACTER OF LOCALITY	The extensive plots of Scyld, Mistletoe Farm, Forgetmenot Cottage and Langford the adjacent property to the east, contrast significantly with the prevailing pattern of development fronting Horsemere Green Lane which is characterised by high density residential development. This comprises two-storey houses and bungalows of higher density to Wooldridge Walk and Apple Tree Walk flanking the application site. Development is predominantly in linear form fronting the highway, with hard standings forward of the properties, integral garages and landscaped front gardens.

RELEVANT SITE HISTORY

CM/13/19/RES	Application for approval of reserved matters following outline approval CM/37/18/OUT for the redevelopment of site with 2no. 4 bed detached bungalows & associated works	ApproveConditionally 26-07-19
CM/37/18/OUT	Outline application with some matters reserved for the redevelopment of site with 2 no. 4-bed detached bungalows & associated works (resubmission following CM/10/18/OUT). This application is a Departure from the Development Plan.	ApproveConditionally 06-03-19
CM/10/18/OUT	Application for Outline planning permission with some matters reserved for redevelopment of the site with 1 No. 4-bed detached bungalow, 1 No. 3-bed detached chalet bungalows & 2 No. 3-bed semi-detached bungalows & associated works. Departure from the Development plan	Refused 28-09-18

The planning history above is for sites adjoining the application site to the west. It demonstrates that residential development has been permitted by the Council and on appeal within the vicinity of the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:
- The site is in land designated as Countryside and is contrary to Arun Policy C SP1 Countryside that provides the context to the Clymping Neighbourhood Plan.
- It is an over intensive high-density development which is against the character of the area and will be detrimental to the street scene. This is contrary to Clymping Neighbourhood Plan Policy CPN 11.
- There is no information about the impact on habitats for wildlife or the loss of trees. This application is contrary to the Clymping Neighbourhood Plan Policy CPN 8 Protection of Trees and Hedgerows and Policy CPN 9 Protection of Natural Habitats.
- The creation of a further new access on to Horsemere Green Lane is not acceptable.
- There will be overlooking of neighbouring properties which will be detrimental to privacy.

54 objections:
- There should be no more than 6 approved on Scyld and none on Wren or Langford.
- Is there some way of making the developer pay a Section 106 payment to provide a pavement or social housing as the developer is clearly the same developer as on Mistletoe Farm?
- How will the entrance onto Horsemere Green Lane be safe given that it is between two other entrances within 10 metres? There is no footpath along Horsemere Green Lane.
- Any ambulance/fire engine/bin lorry/delivery would be unable to enter the site from the proposed access. This is not safe.
- Development will result in traffic congestion. Traffic surveys are completely unrealistic. The site proposes 54 bedrooms and that means 36 cars.

- Trees have already been cleared from the site.
- This application shoe horns 9 houses into someone's back garden.
- Works are in preparation for the 300 houses proposed. Therefore another development under these conditions and with such local opposition should be refused.
- The village does not need more bland houses.
- There are owls, bats and hedgehogs in this location and vegetation has been cleared.
- The developer does not own any access points to this site. Only a right of way.
- The proposal has not considered the importance of Scyld and its setting by cramming in so many houses.
- Scyld should be considered for local listing as this would recognise the architectural importance of this property and it would help to protect its setting.
- A bench mark has been set in the neighbouring site of Mistletoe Farm, a site half the size that has 2 properties approved, therefore this application should be no more than 4 properties.
- The site is outside the Parish plan and they have objected.
- Will adversely impact on privacy and light to neighbouring properties.
- Extra strain on services.
- Impact of noise disruption during building.
- Risk of flooding.
- The density of housing does not fit the Neighbourhood Plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The number of houses proposed is such that infrastructure improvements cannot be demanded.
- This application canot be considered in conjunction with other proposals on adjacent sites. Each application is considered on its own individual merits.
- County Highways have no objection to the proposal in terms of highway safety.
- The Council's Ecologist has reviewed the submitted Ecology Reports and appropriate conditions are included in the recommendation.

All other planning related comments raised are addressed in the Conclusion section of this report.

CONSULTATIONS

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

WSCC Strategic Planning

Arboriculturist

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

Council's Ecologist - No objection:
- Following submission of the Reptile Presence / Absence Survey report we are satisfied that no further work is required for reptiles.
- The lighting scheme for the site will need to take into consideration the presence of bats in the local area.
- The hedgerows on site are used by protected species for commuting and foraging and will need to be retained and enhanced. Conditions should be used to ensure this.

- Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season.
- We would like to see a number of enhancements incorporated within the scheme which can be conditioned.

County Highways - No objection subject to conditions relating to access, vehicle parking and turning, cycle parking, and construction management plan.

Drainage Engineer - No Objection. Imposition of standard pre commencement conditions requested to allow for infiltration testing and groundwater monitoring to be completed.

Landscape Officer - No Objection.
- The provision of landscaping for the development must be conditioned. Some indicative landscaping particularly trees detailed have been illustrated with the general layout plan. A full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting.

Tree Officer - No Objection:
- The applicant's have provided an Arboricultural Impact Assessment & Method Statement along with Tree Retention and Protection Plans.
- The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012.
- The proposal has already involved the removal of a large number of established trees across the site, including those of highest quality. The opportunity to assess the public amenity value (existing or potential) of many on-site trees has long since passed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
HEELA Site

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

TSP1	T SP1 Transport and Development
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ENVDM5	ENV DM5 Development and biodiversity
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside

ECCSP2	ECC SP2 Energy and climate change mitagation
Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Clymping Neighbourhood Plan has been made and the relevant policies have been taken into account in the consideration of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary where development or redevelopment is unacceptable in principle and is not considered to accord with policy CSP1 of the Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

These are that the proposal does not result in material harm to the character or appearance of the area and represents an acceptable form of development in this location adjacent to existing development which complies with the Council's identified housing strategy and housing need.

CONCLUSIONS

PRINCIPLE
The site is outside of the built up area as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031 and the Clymping Neighbourhood Plan. In the Climping Neighbourhood Pan Climping doesn't have a built up area boundary but the application site is adjoined by residential development on all sides and is currently in residential use.

Arun District Local Plan (2011-2031):
The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Due to the sites location outside of the BUAB development in this location the development would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan 2011 - 2031.

The NPPF (July 2018) states:-

Para 2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1 and the intention of the ANDP to protect countryside and make provision for housing on identified sites policies HD1 & HD2).

However, the proposed development would provide an additional 9 houses which are required in the District at the present time due to the less than 5 year housing land supply. The development would have a positive effect upon the supply of housing and there are other relevant material considerations which need to be taken into account.

The Annual Monitoring report, published on the 18th of June 2019, identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 4.7 years.

The National Planning Policy Framework (NPPF) provides information on the issue of the weight that can be given to the Arun Local Plan or 'made' neighbourhood development plans, where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. These details are set out in full in Paragraph 11(d), where is it is stated that permission would be granted, unless there are any adverse impacts that would demonstrably outweigh the benefits.

MATERIAL CONSIDERATIONS
The NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst outside of the defined BUAB, contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe.

The application site is adjoined to the South, East and West by existing dwellings. To the North-East there is an industrial estate. The site is bordered by a road to the North. Therefore none of the sites boundaries are in open countryside use and the application site is bounded by built form. The impact on the character of the countryside, from the erection of 9 houses on the site is therefore acceptable. For these reasons, it is considered that there are other material considerations that would weigh in favour of

granting planning permission, contrary to the principles of the development plan.

The Local Plan Examination Inspector's Report paragraph 96 stated that Arun District Council (ADC) has agreed to invite planning applications on policy compliant HELAA sites. The HELAA Assessment Summary Table shows that the Site (CLY2) as being "deliverable".

Indeed, it notes that the site is a suitable site as there are no major constraints to overcome and that it is viable and achievable. The supporting text at paragraph 12.1.6 of the adopted Local Plan states that the housing supply for the Plan period includes "Deliverable" HELAA sites. This category of site is expected to produce a minimum increase of 530 dwellings during the Plan period. This site and application relates to the HELAA CLY2 'Developable' site (i.e. beyond 5 years). The overall site given a net developable housing yield of 20 dwelling units - but the overall site comprises of 3 linear plots in 3 adjacent ownerships - Mistletoe Farm - Scyld and - Langford. This application at Mistletoe Farm is proposing 9 net additional units - which given the configuration of the site (with existing properties as do the others) is reasonable and in comparison the other two plots appear slightly larger in the same configuration so it is considered that 9 on this plot is in keeping.

It is therefore concluded that development of the site to provide an additional 9 houses is acceptable in principle and would accord with the requirements of the NPPF.

VISUAL AMENITY AND CHARACTER

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy states:

'1. Character
Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan Policy D SP1 - Design states:

'All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design. The proposed development comprises nine houses on a site measuring 0.66 hectares. The density of the development accords with adjoining development. The proposed development site has been designed at a density of 14dpa (dwellings per hectare). Compared with densities of 18 dph at Appletree Walk and 17 dph at Mant Close and Wooldridge Walk. Therefore, the proposed development site is currently lower density than the surrounding development, but comprises an acceptable density given the range of adjacent plot densities. Forgetmenot Cottage, Langford and Wren Cottage all have significant plot sizes.

Policy CPN11 of the Clymping Neighbourhood Plan seeks to ensure that proposed development is in keeping with its location so as to protect and enhance the character of the locality. Good design is considered to mean 'responding to and integrating with the local built environment and landscape context as described in the Clymping Character Assessment'.

Appendix 1 'Climping Character Assessment' of Climping Neighbourhood Plan identifies the application site as 'Horsemere Green Lane' where it states that 'most of the houses are detached with only smaller numbers of semi detached houses' and 'Wooldridge Walk/Mant Close (39 properties) differs in that it is exclusively three bedroom detached bungalows with rendered walls and tiled roofs built around a small

open green space.'

It is also necessary to consider the guidance within the National Planning Policy Framework. Paragraph 124 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The design of the dwellings is acceptable. The proposal incorporates a traditional design with a simple appearance and a materials palette reflective of houses in the local area such as tiled roofs with timber cladding or tile hanging to the gables and upper floors, and red stock brick work. Precise details of the materials are not provided and a condition is suggested to ensure the Local Planning Authority can control the final colour of brickwork, cladding, tiling, render and slate.

A detached house (Plot 1) is proposed fronting Horsemere Green Lane and set adjacent to Scyld, following the pattern of existing development to the road frontage. A linear development of detached two-storey houses with varying roof forms and complimentary materials palette are proposed beyond the rear gardens of the frontage properties. The proposed properties are situated towards the eastern site boundary and orientated facing west to respect amenities of adjacent neighbours. Parking is proposed within garages and to hard standings, with each property benefitting from either a single or double garage with 2 or 3 no. parking spaces per dwelling.

The application site forms an irregular plot of land approximately 42 metres wide and extending 190 metres back from the highway. The proposed development has been designed to make appropriate and effective use of the residential land available. The nine dwellings are proposed in an arrangement with a house to the site frontage, flanking the access road with Scyld to the west, and a linear pattern of eight two-storey houses fronting the access road and extending the full depth of the plot. Parking is proposed at 2 to 3 spaces per dwelling with 5 further unallocated or visitor spaces giving a total of 29 parking spaces to serve the development which exceeds West Sussex County Council minimum parking standards.

The stretch of dwellings between Wooldridge Walk and Apple Tree Walk are of relatively modern design and mainly bungalows with reduced garden areas. It is considered that the principle of the development in the site would accord with this style of development and be in keeping with what is existing in the area.

The scheme comprises a well-balanced layout and appropriate house design for its location within existing residential development. The amount of development is considered to be appropriate in context with the surrounding residential development and would make more efficient use of this previously developed land for residential use in line with the Council's guidance on density and development management issues generally.

The scale of the development is responsive to the site's surroundings with bungalows to the west within Wooldridge Walk and larger two-storey houses to the east. The elevational drawings submitted show the proposed dwellings would not exceed 8 metres in height. Roof forms vary from gable to half-hipped in order to add variety and interest to the street scene and reduce mass and bulk. The ridge height accords generally with built form in the vicinity.

It is considered that house designs and site layout has led to a well-proportioned scheme, where the proposed plots provide sufficient amenity space and compare favourably with other nearby properties, and would provide an appropriate scale of development consistent with the surrounding form of residential development local to provide much needed additional housing within the district without resulting in harm to the character of the area.

It is therefore considered that the proposal would be in accordance with policy D DM1 (1) and D SP1 of the ALP 2011 - 2031, policy CPN11 of the CNP and paragraphs 12 and 127 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it does not result in impacts on adjoining occupiers, land, use or property. None of the NP policies specifically refer to residential amenity issues.

The NPPF in paragraph 180 states that 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

Furthermore in paragraph 123 c) it states that 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

In this case the layout dwellings has been considered in terms of separation distances and the placement of fenestration and in order to protect the amenities of neighbouring residential occupiers does not result in materially adverse overlooking of neighbouring properties. The closest properties bordering the site are 30 Appletree Walk which is 1m from the southern boundary and Forgetmenot Cottage which is located on the eastern boundary. Plots 4 and 5 are 10m from the eastern boundary and Plot 9 is 8m from the southern boundary at first floor and has no windows at first floor level. There are three high level Velux windows in the roof, but these only serve to provide light to a first floor landing and bathroom. Cross section details showing their position in relation to floor height have been requested. Plot 1 is 1m from the side boundary to the east, but adjoins an access road and is 15m from the nearest dwelling to the east.

Separation distances between the development and existing dwellings are therefore sufficient to prevent overlooking or overshadowing of neighbouring properties, due to existing dwelling orientation. Wren Cottage to the west is separated from the proposed development by between 16.5-20 metres where overlooking or over shadowing would not occur. The proposed dwellings are set back well into the site in line with the form of existing development to the site frontage and arranged in order that the development would not give rise to materially adverse overlooking.

The layout has been designed to take account of the amenities of neighbouring residential occupiers and is not considered to cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development in accordance with policy D DM1 of Arun Local Plan .

INTERNAL/EXTERNAL SPACE STANDARDS

Plot 1 is a 5 bed dwelling has a gross internal floor area of 189m2 which exceeds the standard for an 8 person, 2 storey dwelling. With regards to the 2 bed dwellings (plots 2 & 3) have floor areas of 129m2 which exceeds the standards for a 4 person, 2 storey dwelling. Plots 4, 5 and 6 have 3 bedrooms with a gross internal floor area of 165sqm which exceeds the 6 person, 2 storey standard. Plots 7,8 and 9 have

4 bedrooms and exceed the 124sq m standard for an 8 person 2 storey dwelling. As such the proposal is fully compliant with the Nationally Described Space Standards (NDSS).

The development achieves good sized gardens and appropriate separation distances between dwellings. The frontage property and Scyld would have rear gardens in excess of 15m deep, with Scyld also retaining a substantial area of garden to the frontage. Gardens to plots 2 and 3, the smaller 2-bed units extend to 9.5m in length with the larger 4 and 5-bed properties to the rear of the site having garden depths of approximately 14m.

Policy D DM3 of the emerging Local Plan is no longer being applied, but that sought the provision of a 10m rear garden length and proportionate and useable garden areas. Only 2 rear gardens fall short of this standard, plots 2 and 3 where the depth is 9.5m. It is considered that the shortfall of garden length to plots 2 and 3 (2 bed units) is acceptable given the rear garden areas of 115sqm. The private amenity space for the proposed development would be acceptable.

HIGHWAY SAFETY, & PARKING

The proposals would result in a new access arrangement from Horsemere Green Lane to the east of Scyld measuring 4.8m wide and with required visibility splays in order to serve the nine additional dwellings. The scheme would provide adequate turning and parking provision for each house and a turning head at the southern end in order that refuse vehicles are able to access the site. Each dwelling has two to three parking spaces and a garage and five further unallocated spaces for visitors resulting in a total of 29 parking spaces to serve the development.

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: '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 application has been assessed by WSCC Highways. WSCC advice is that it is satisfied with the proposed access, associated visibility splays and car parking provision subject to imposition of appropriate conditions.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

DRAINAGE AND FLOODING

The Council's Drainage Engineers have been consulted on this application. There is an ordinary watercourse running along Horsemere Green Lane, any proposals to culvert or alter this (including to provide a new access way) would require land drainage consent. The site is constrained, especially with trees. The applicant has submitted a Drainage Strategy Report and further details of SUDS have been considered by the Council's Drainage Engineer. Drainage conditions are suggested which provided the submitted Drainage Scheme is satisfactory, would be adequate to ensure the site is adequately drained in accordance with policies W SP1 and W DM2 of Arun Local Plan and CPN12 of Climping Neighbourhood Plan.

ECOLOGY

Policy ENV DM5 of the Arun Local Plan related to development and biodiversity. It states that development should seek to achieve a net gain in biodiversity and protect the existing habitats on site. Development should also seek to facilitate the emergence of new habitats. This can be done by a variety

of different measures. Where there is evidence of an existing species on site, surveys should be undertaken, detailing the measures that will be incorporated in order to protect said species.

The proposed development was accompanied by a full ecological appraisal and tree report and a reptile survey has subsequently been undertaken. Owing to the findings of the ecological appraisal further emergence surveys were also conducted on site. The comments from the ecologist state that, subject to conditions, there is no conflict with the policy.

TREES
The application is supported by a Tree Survey and Tree Protection and Retention Plan Most trees are being retained where possible, and those that are proposed for removal are mainly Category U, D or C - Trees of Low Quality and Value. The Arboriculturalist has been consulted and raises no objection. Policy CPN8 Protection of Trees and Hedgerows in the Clymping Neighbourhood Plan is relevant. Only one Category B tree a Liriodendron tulipifera is to be removed to create the driveway. All other trees are being shown as retained and protected throughout development.

SUMMARY
The proposal would make efficient use of land by delivering nine new homes in context with the surrounding pattern of residential development and would make a useful contribution to the supply of housing. The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the

date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

· Location, Block & Site Plan: 1111/DPA101 Rev 01
· Proposed Context Plan: 1111/DPA102 Rev 01
· Floor Plans - Plot 1: 1111/DPA103 Rev 01
· Proposed Elevations - Plot 1: 1111/DPA104 Rev 01
· Floor Plans - Plots 2 & 3: 1111/DPA105 Rev 01
· Proposed Elevations - Plots - 2 & 3: 1111/DPA106 Rev 01
· Floor Plans - Plot 4: 1111/DPA107 Rev 01
· Proposed Elevations - Plot 4: 1111/DPA108 Rev 01
· Floor Plans - Plots 5 & 6: 1111/DPA109 Rev 01
· Proposed Elevations - Plots 5 & 6: 1111/DPA110 Rev 01
· Floor Plans - Plot 7: 1111/DPA111 Rev 01
· Proposed Elevations - Plot 7: 1111/DPA112 Rev 01
· Floor Plans - Plots 8 & 9: 1111/DPA113 Rev 01
· Elevations Plots - 8 & 9: 1111/DPA114 Rev 01
. 1111/DPA 115 Rev 01
· Tree Constraints Plan Sheet 1 of 2 LLD1483-ARB-DWG-001 rev00
· Tree Constraints Plan Sheet 2 of 2 LLD1488-ARB-DWG-002 rev00
· Tree Retention & Protection Plan Sheet 1 of 2 LLD1483-ARB-DWG-003 rev01
· Tree Retention & Protection Plan Sheet 2 of 2 LLD1483-ARB-DWG-004 rev01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

3 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing no: FIGURE 1.3 Rev P2.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy T SP1 of the Arun Local Plan.

4 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 policy D DM1 of Arun Local Plan.

5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The agreed scheme shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy TSP1 of Arun Local Plan.

6 No development above damp proof course (DPC) level shall take place until there has been submitted to and approved by the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be

retained, together with measures for their protection during the course of the development. 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.

7 The development shall proceed in accordance with the Ecology Enhancement Plan 1111/DPA115 rev01 and prior to occupation ecological enhancements shall be made to the scheme and retained in perpetuity in accordance with details to be submitted to and approved by the Local Planning Authority, which shall include the following :

- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Grassland areas managed to benefit reptiles.

Reason: To protect and enhance native flora and fauna in accordance with policies ENV DM3 and ENV DM5 of Arun Local Plan

8 No development shall take place, including any works of demolition, until a Construction Management Plan has been 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).
· Details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies T SP1 and D DM1 of Arun Local Plan.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level or above in east wall of plots 1, 2 and 3 or the south elevation of plot 9 without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies D DM1 of the Arun Local Plan.

10 No development above damp proof course (DPC) level shall take place unless and until a schedule of 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 and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

11 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. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended 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.

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

13 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 polices 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.

14 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment & Method Statement, Lizard Landscape and Design Ltd, ref. LLD1488-ARB-REP-001, Rev 01, 20 May 2019.

Reason: To comply with BS5837 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 policy ENV DM4.

15 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plans, dwg. nos. LLD1483-ARB-DWG-003 Rev 01 and LLD1488-ARB-DWG-004 Rev 01. The approved fencing shall be retained in the approved positions throughout the development of the site.
A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reason: To comply with BS5837 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 policy ENV DM4

16 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 to the Local Planning Authority for consideration 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 and the works shall proceed in accordance with the agreed methodology.

Reason: To comply with BS5837 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 policy ENV DM4 .

17 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

18 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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater

level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here https://www.arun.gov.uk/surfacewater on Arun District Councils website. A surface water drainage checklist is available here https://www.arun.gov.uk/drainagechecklist on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

19 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.

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20 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

21 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.

22 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

23 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.

CM/21/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)

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