

PLANNING APPLICATION REPORT

REF NO: CM/64/19/PL

LOCATION: Langford
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Residential development comprising 2x3-bedroom bungalow, 2x3-bedroom houses, 2x2-bedroom houses 3x4-bedroom houses along with access and parking following demolition of existing dwelling - Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes a residential development comprising 1 x 3-bedroom bungalows, 2 x 3-bedroom houses, 2 x 2-bedroom houses and 4 x 4-bedroom houses along with access and parking following demolition of existing dwellings.
SITE AREA	0.43 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Following preparatory site clearance few well established trees remain. There are a number of trees along the northern boundary of the site which are characteristic of the wider area and contribute to the character of Horsemere Green Lane.
BOUNDARY TREATMENT	The application site is well screened to its northern boundary by existing vegetation/tree planting. The site is set back by a grass verge along the northern boundary of Horsemere Lane, which comprises part of the primary character of this area. Boundary treatments to the east of the site comprise a mixture of close timber boarded fencing and vegetation planting. To the west of the site boundaries historically comprise significant tree planting; however, following the preparatory removal of these unprotected trees, the western boundary comprises a mixture of close boarded timber fencing and hedgerow planting. This is comparable to the southern aspect of the site also.
SITE CHARACTERISTICS	The application site comprises a single storey residential dwelling. The dwelling sits close to the eastern boundary of the application site and abuts Haven to the east. The site is long, deep and linear in nature. The built development is situated forward on the site, but with a substantial set back from the road. Whilst this layout is characteristic of nearby plots, these plots are undergoing substantial change due to extant planning consents.

CHARACTER OF LOCALITY

To the north of Horsemere Green Lane is the Rudford Industrial Estate and Ford Aerodrome Strategic Development Site (SD8). To the south of the site are some residential dwellings off Appletree Way. The wider southern locality is characterised by Strategic Development Site SD10. By virtue of the site's surrounding area and allocated developments, the application site comprises an infill plot.

The application site comprises 1 out of 3 parcels of land promoted under the Council's HELAA process (Site CLY2). The remaining two parcels now benefit from planning permission for approximately 9 units each under their own individual permissions.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objects to this application for the following reasons:

1. Countryside - The site is outside the built-up boundary area on land designated as Countryside and the application is therefore contrary to Arun Policy C SP1.
2. Over Development - 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 Quality Design. The proposed Arun Design Guide recommends up to 15 per Ha.
3. Loss of Privacy - There will be overlooking of neighbouring properties which will be detrimental to their privacy. The proposed dwellings are in too close a proximity to existing properties.
4. Highways Impact - The creation of a further new access on to Horsemere Green Lane is not acceptable (this will be the third new access - all in close proximity to each other). With 22 parking spaces for 9 houses it seems likely that parking will spill out onto Horsemere Green Lane given those living in the dwellings, their visitors plus delivery and tradesmen vehicles.
5. Transport Assessment - Council is concerned that the Transport Assessment accompanying the application is flawed. The number of in and out trips for vehicles appears very low for 9 houses as the residents will be highly dependent on their cars as per the established local experience.

16 letters of objection:

1. Loss of privacy to neighbouring properties
2. Development will add to the over used roads which brings pollution
3. Further erosion of the wildlife and flora
4. Massive tree loss and environmental damage on the site
5. Three "native trees" proposed at the southern end of the property too close to existing brick built walls which will undermine and damage neighbouring property
6. Cumulative impacts upon highways safety
7. Insufficient visibility splays in the absence of any speed surveys
8. Breach of covenants on the site
9. Bats living in the trees on the site
10. Suggested pump system will not be sufficient and blockages will occur
11. Development appears to be contrary to Clymping Neighbourhood Plan
12. Over development of the site
13. Insufficient parking will lead to overspill parking on nearby roads
14. Development conflicts with local planning policy

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL

- 1 Countryside - The site is located outside the Built up Area Boundary (BUAB). Neighbouring sites of a similar character have benefited from permissions under the same circumstances.
- 2 - Over Development - The LPA consider that the site sits comfortably within the densities of nearby sites which comprise c. 20-25 dph.
- 3 - Loss of Privacy - The LPA identified loss of privacy relating to the relationship of Plot 8. The applicant has revised the design of Plot 8 after receiving feedback from Officers. All other back to back separation distances achieve c. 20m which are accordant with local design and established standards.
- 4 - Highways Impact - The consultation response received from WSCC consider the upgraded access on to Horsemere Green Lane to be acceptable subject to acceptable visibility splays. WSCC consider that the proposals meet with the relevant parking standards for the District.
- 5- Transport Assessment - The Highways Officers have raised no concern regarding trip generation from the site.

THIRD PARTY COMMENTS

1. Neighbouring amenity and privacy is addressed in detail below.
2. The cumulative impact on highways safety has been assessed by West Sussex County Council acting in their capacity as the Local Highway Authority.
3. Impacts upon habitats and biodiversity has been assessed by the Council's Ecology/Biodiversity Officer.
4. Tree loss and replacement planting has been assessed in full by the Council's Tree/Arboricultural Officer.
5. The Council's Tree Officer has not considered this to be problematic. Landscape planting could be reserved for further consideration by way of discharge of condition.
6. The cumulative impact on highways safety has been assessed by West Sussex County Council acting in their capacity as the Local Highways Authority.
7. As per (2) and (6) above.
8. Covenants are a separate matter outside of the Planning system.
9. Bats are protected under separate legislation. The Council's Ecology Officer is satisfied that species will be afforded adequate protection and additional separate legislation exists to address this matter.
10. Discharge of surface water and foul sewerage is assessed in full in this report by both Southern Water and the Council's Drainage Officer.
11. Regard has been given to the Neighbourhood Plan in the following sections of this report.
12. Density and overdevelopment of the site has been addressed in the following sections of this report.
13. Proposed parking provision meets both WSCC and Arun District Council standards.
14. An assessment against local planning policy has been addressed in the following sections.

CONSULTATIONS

Southern Water Planning
WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Environmental Health
Ecology Advisor
Parks and Landscapes
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

- An amended plan has been received detailing the proposed length of footway to extend from the existing footway at Appletree Walk into the site access. The footway and access works would require technical approval from WSCC Implementation team. It is considered that the footway demonstrated will improve pedestrian accessibility to the site from the wider area and could tie in with additional footway that will be provided in the future from a contribution sought under application CM/1/17.
- The amended parking plan shows that two additional visitor parking spaces and an additional allocated space for plot 9 have been provided and indicates electric vehicle charging points within the car ports.
- The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.
- If the Local Planning Authority is minded to grant planning consent the following condition(s) and informative note(s) would be advised.
- Swept path tracking diagrams within the TS demonstrate that a refuse collection vehicle and fire appliance can manoeuvre into, turn within the site and exit to the public highway in a forward gear.
- Vehicular visibility splays of 2.4m by 43m have been demonstrated at the site access, onto Horsemere Green Lane. The LHA does not raise any concerns to the achievable visibility at the site access on to Horsemere Green Lane.
- Trip Generation - The development could see an additional 5 x two-way vehicle movements in the AM peak and 4 x two-way in PM peak. Such an increase in vehicular movements to the nearby road network is not considered to result in a highway capacity issue.
- Parking - Is inline with parking provision requirements set out in the Arun District Council Supplementary Planning Document (SPD), due to the rural location.
- Bicycle parking should be provided at 1 space per 1 & 2 bedroom unit and 2 space per 3+ bedroom unit. It is expected that this would be provided with separate secure facility per plot (garden shed) and details could be secured via condition.

ARUN DISTRICT COUNCIL TREE OFFICER (please see full comments online)

- The principle of development as described is achievable without undue detriment to retained on-site trees, provided there is adequate site supervision at key stages by the project arboriculturist
- The preparatory clearance of established vegetation from across the site appears to have been significant but ultimately can be adequately compensated for by the replacement tree planting proposed in the detailed planting plan.

ARUN DISTRICT COUNCIL ENVIRONMENT OFFICER

Bats - Hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. The lighting scheme for the site will need to take into consideration the presence of bats in the local area. Bat boxes should be installed on to the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 01 March - 01 October. Would like a bird box to be installed on the extension and/or tree within the garden of the property.

Biodiversity Net Gain - We are pleased to see that enhancements have been provided within the Preliminary Ecological Appraisal (Dec 2019) further enhancements we would like to see are set out in the full comments found within the application file.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH

No objection subject to conditions set out in full on the planning application file.

ARUN DISTRICT COUNCIL SURFACE WATER DRAINAGE

The proposed drainage strategy is reasonable given the absence of infiltration testing and groundwater monitoring. It is noted that infiltration has been found to be viable on neighbouring sites so we are optimistic that an infiltrating solution can be found.

COMMENTS ON CONSULTATION RESPONSES:

WSCC - The applicant has submitted a revised site plan that details the provision of 2 no. visitor spaces. The applicant has also confirmed they are willing to provide electric vehicle charging and have submitted amended plans to this effect. This EV charging can be secured by way of imposition of condition. The lawfulness of providing an extended footpath are discussed in further detail below. In summary, it is considered that the extended footpath is desirable but not necessary.

POLICY CONTEXT

Designation applicable to site:

- Outside Built up Area Boundary
- Area of Special Advertisement Control
- WSCC Mineral Consultation Areas

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
HDM1	H DM1 Housing mix
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats

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 the Made Clymping Neighbourhood Development Plans (2015-2030).

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

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 fails to accord with policies contained within the Development Plan in respect of settlement boundaries.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to warrant a decision otherwise than in accordance with the legislative background. Owing to the Council's 5 year Housing Land Supply position, the settlement boundary policies are considered to hold reduced weight. The requirement to hold the contents of the National Planning Policy Framework as a material consideration, footnote 7 of the NPPF is considered to outweigh the lack of compliance with the policies contained within the Development Plan at this time.

CONCLUSIONS

PRINCIPLE

The key policy considerations in the determination of this application are C SP1 of the Arun Local Plan (ALP). 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, along with the entirety of the Clymping Parish, 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 site's location outside of the BUAB, development in this location would be in conflict with Policies C SP1 and SD SP2 of the Arun Local Plan. The key considerations in the determination of this application are policies C SP1 and SD SP2 of the Local Plan. However, owing to the Council's 5 year Housing Land Supply position these policies are out of date and therefore hold reduced weight.

Arun District Council are unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d). Applying the presumption in favour of sustainable development for decision taking means granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

The development would provide housing in a sustainable location that would provide access to jobs and services required for day-to-day living, which would support the local economy (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an effective use of the land on a previously developed on an infill plot surrounded by similar development (environmental).

Paragraph 11(d)(ii) requires decisions to be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The provisions contained within the 2019 Framework are given significant weight in the application of paragraph 11(d) in the absence of the Council being able to demonstrate a sufficient 5 year Housing Land Supply. A full assessment of all matters and their significance are outlined below.

DESIGN AND VISUAL AMENITY

Policy CPN 11 of the Climping Neighbourhood Plan is in accordance with the NPPF provisions and states new development must be of a high quality design and protect and enhance local character as assessed by the Climping Character Assessment. Policy CPN 11 sets out an 8 point criteria against which development should be assessed. Policy CPN 11 reiterates the contents of the NPPF in that development proposals of poor design that fail to take the opportunities available for improving local character and quality of an area and the way it functions will not be permitted.

Policies D SP1 and D DM1 of the Arun Local Plan are consistent with the NPPF provisions in that they require development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, density, mix, scale, massing, character, materials, finish and architectural details. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan requires development proposals to have regard to character, appearance/attractiveness, density and scale.

Paragraph 127 of the National Planning Policy Framework requires decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Paragraph 130 of the National Planning Policy Framework makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The layout of the site would feature a characteristic set back from Horsemere Green Lane which is a consistent feature across the approved layout of the adjacent Scyld site and Haven dwelling. The retention of this set back, coupled with the landscaping features detailed below, would reinforce the character of the local area.

The development features off-street car parking in the form of a combination of single storey garage buildings and driveways. Such features are consistent across the former Scyld site to the west and with

adjacent dwellings along Appletree Road to the east.

The density of development comprises c. 21 dph which is consistent with both the HELAA indicative density and densities approved within the Scyld site to the west and adjacent Appletree Road development to the east. The retention of this comparable density ensures that the layout accords with the character of the area.

The proposed dwellings feature a mixture of bungalows and two storey dwellings. This mix is consistent with the Arun Local Plan requirement to provide a mix of housing across new residential development sites. The development provides 2b4p dwellings at the lower end, up to 4b8p dwellings at the upper end. This housing mix on such a small site also reflects the mix across the other two sites that make up the CLY7 HELAA allocation.

The design of the proposed dwellings feature dual pitched roofs with a number of hips. The effect of these design features is that the roof pitches and features allow for sunlight to bath the development; without the built form dominating the skyline. This is consistent with the nearby developments found within the locality and reiterates the wider character of the area.

The development will make an efficient use of land but reflect the characteristics of the site and local area, in accordance with paragraphs 127 and 130 of the National Planning Policy Framework and Policies D SP1 and D DM1 of the Arun Local Plan and Policy CPN 11 of the Climping Neighbourhood Development Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs.

The internal spaces of the proposed dwellings have been assessed against the Nationally Described Space Standards which are used to assess acceptable spaces under Policy D DM2. The proposed spaces either meet or exceed the minimum thresholds. The development therefore accords with Policy D DM2 of the Arun Local Plan.

NEIGHBOURING AMENITY

Policy QE SP1 of the Arun Local Plan is consistent with NPPF provisions and requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

Paragraph 127(f) of the National Planning Policy Framework (2019) requires planning decisions to create places with a high standard of amenity for existing and future users.

The proposed site layout bears a close relationship between Plot 6 and no. 47 Apple Tree Road. Separation distances comprise c. 20m and proposed tree planting which could be protected by way of condition provides long term screening. This would ensure that no unacceptable level of inter visibility would result. On this basis, and subject to the conditions set out below, the relationship between Plot 6 and No. 47 would be acceptable.

Plot 1 is situated close to the neighbouring dwelling of Haven to the east; however, plot 1 comprises a single storey bungalow form. Whilst its relationship is close, the existing footprint of Langford sat closer to Haven than plot 1. Landscaping is provided along this boundary which would be secured by way of condition and this relationship would comprise an improvement over the existing relationship.

Following discussions with the applicant over concerns regarding overmassing and privacy, Plot 8 has

been revised to comprise a chalet bungalow form; omitting the first floor south facing windows which were considered harmful. Plot 8 now has its two storey mass clustered to its northern elevation. The setting forward of the 2 storey mass would provide greater separation to the existing dwelling to the SE and the pitch of the rear element ensures access to light would not be infringed. The above amendments to Plot 8 ensure no issues of overmassing would result.

Most buildings comprise a mixture of dual pitched and hipped roof forms with sufficient separation distances between neighbouring dwellings within the site. This allows for light to transverse between the buildings which ensures the siting of dwellings would not have an unacceptable impact upon access to light for existing dwellings. The layout, orientation and siting of dwellings ensures no overshadowing or overmassing impacts would result. Whilst it is acknowledged that the outlook of a number of nearby adjacent residential properties would change, such a change would not be demonstrably harmful for the purposes of residential amenity.

On the basis of the above assessment, the development would accord with paragraph 127 of the National Planning Policy Framework and Policies QE SP1 and D DM1 of the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan does not relate to housing supply and is therefore considered to be given sufficient weight. Policy T SP1 requires development to incorporate appropriate levels of parking in line with West Sussex County Council Parking Guidance. Policy CPN 14 of the Climping Neighbourhood Plan reiterates paragraph 109 of the NPPF in that development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Paragraph 108 of the National Planning Policy Framework states that it should be ensured safe and suitable access to the site can be achieved for all users. Paragraph 109 of the National Planning Policy Framework 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.

Arun District Council Parking Standards the development requires 22 parking spaces. The applicant's total provision comprises 22 spaces across a mixture of open air and garaged spaces which are considered acceptable.

Most parking spaces are located nearby to residential properties. As per ADC guidance these spaces should be served by electric vehicle charging which the applicant has indicatively shown. A condition will be imposed requiring EV charging provision and maintenance of this provision in working order in perpetuity.

The applicant has provided a visibility splay diagram demonstrating sufficient splays can be achieved. WSCC have confirmed that the verge is kept clear for pedestrian refuge. WSCC have not raised any objection to the proposed splays on the basis of actual speeds and therefore safe and sufficient access would be achieved.

The Parish Council has requested works to create a new footpath along Horsemere Green Lane to link into the wider infrastructure network. However, for such a requirement to be lawful they would need to comply with the tests for Planning Obligations set out in paragraph 56 of the NPPF. In this instance, any works secured by way of obligation would need to be (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

The response received from WSCC Highways noted that 'it would be beneficial... for the footway to

continue along southern side of Horsemere Green Lane to link in with existing footway on junction of Appletree Walk/Haven'. However, the response does not consider it necessary to address an overriding issue that would otherwise necessitate the refusal of planning permission.

The consultation response from WSCC states that the 'provision of a small section of footway to tie in to existing pedestrian infrastructure network would be a suitable contribution from the developer to improve pedestrian accessibility of the site'. Therefore, the desire to tie in to existing pedestrian infrastructure is sought as an improvement the wider area and not to mitigate an impact of the development. It would not be directly related to the development, fairly and reasonably related in scale and kind and, thus, unnecessary.

It is clear that the contribution/works sought are desirable. However, the Local Planning Authority would therefore be in contravention of both paragraphs 56 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 if footpath improvements were sought.

Taking into account the above, the development would provide for the transport demands created in accordance with paragraphs 108 and 109 of the National Planning Policy Framework, Policy T SP1 of the Arun Local Plan and Policy CPN 14 of the Climping Neighbourhood Plan and according West Sussex County Council: Guidance on Parking at New Developments SPG (March 2019) and Arun District Council Parking Standards.

CYCLE STORAGE

Policy T SP1 of the Arun Local Plan requires the Council to ensure that developments promote sustainable transport including the use of bicycles. Arun District Council Parking Standards generate a total of 9 cycle parking spaces across the development.

The proposed cycle parking provision would accord with the according guidelines set out to support Policy T SP1 of the Arun Local Plan. A condition will be imposed to secure their provision prior to the occupation of the dwellings permitted. Such a condition meets with the tests outlined in paragraph 55 of the NPPF.

BIN STORAGE AND COLLECTION

Policy WM DM1 of the Arun Local Plan requires new residential development to be designed to ensure kerbside collection is possible for municipal waste vehicles and, where appropriate, communal recycling bins and safe bin storage are available to residents of flats.

The proposed plans detail sufficient bin storage which West Sussex County Council have confirmed accords with stipulated guidance on capacities. Whilst criteria (a) of Policy WM DM1 would not allow for kerbside collection, sufficient tracking has been provided to allow for municipal waste vehicles to enter and exit the site.

A condition will be imposed requiring provision of bin storage prior to the occupation of the dwellings hereby permitted. Such a condition accords with paragraph 55 of the National Planning Policy Framework. Taking the above factors into account, the development accords with Policy WM DM1 of the Arun Local Plan.

TREES

Policy ENV DM4 of the Arun Local Plan states where there are existing trees on or adjacent to a development site, developers shall be required to provide landscape and tree surveys, a tree constraints plan and an arboricultural impact assessment, incorporating a method statement.

The consultation responses received noted the demonstrable loss of trees and vegetation from the site

but none of these trees benefitted from any formal protection. Whilst regrettable, their removal has not breached any legislation or policy.

The Tree Officer's consultation response noted the benefit that the replacement planting would provide across the site. This is consistent with the approach advocated by Policy ENV DM4 of the Local Plan which seeks to ensure development is planned to take a comprehensive view of tree issues at an early stage in the design process.

Subject to the conditions set out in the Tree Officer's consultation response, the development would ensure the health and longevity of the replacement planting. On this basis, the development would accord with Policy ENV DM4 of the Arun Local Plan.

LANDSCAPING

Policy CPN 8 of the Climping Neighbourhood Plan is consistent with NPPF provisions and requires development proposals be designed to retain trees or hedgerows of good arboricultural and amenity value. Policy CPN 8 states development proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.

Policy D SP1 of the Arun Local Plan is accordant with NPPF provisions and 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. Policy ENV DM3 of the Arun Local Plan states that development proposals that do not reasonably address opportunities for enhancing landscaping shall not be permitted.

Paragraph 127(b) of the National Planning Policy Framework requires planning decisions to ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Further, paragraph 153(b) of the National Planning Policy Framework requires that in determining planning applications, local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

The applicant has provided a full landscaping scheme which has been assessed by both the Council's Landscape and Tree Officers. The submitted landscape plan would provide net gains for landscape which would in turn allow for subsequent net gains in terms of biodiversity. Taking these factors into account, combined with the favourable comments received from the Council's Landscape and Tree Officer, combined with their recommended conditions, the development will accord with paragraphs 127 and 153 of the National Planning Policy Framework, Policy CPN 8 of the Climping Neighbourhood Plan and Policy D SP1 of the Arun Local Plan.

SUSTAINABLE CONSTRUCTION

Policy ECC SP2 of the Arun Local Plan requires all new residential development (including conversions to be energy efficient. To achieve conformity with Policy ECC SP2 a condition will be imposed requiring the applicant to detail how the dwellings will accord with the above proposals.

SURFACE WATER AND DRAINAGE

Policy W SP1 of the Arun Local Plan states that development will be encouraged to make active use of surface water as a design feature and permitted where it identifies measures to improve and enhance waterbodies and provides additional flood relief. Criteria (a) of Policy W SP1 states that the Council will also support development that is appropriately located, taking account of flood risk and promotes the incorporation of appropriate mitigation measures into new development, particularly Sustainable Drainage Systems that reduces the creation and flow of surface water and improves water quality.

The applicant has indicated that existing infiltration is their preferred method of disposing of surface water, subject to infiltration testing. The Council's Drainage Engineer's accord with this preference and a condition will be imposed to require infiltration testing to assess the suitability of this method.

Should infiltration testing show that run off is unable to be achieved, the applicant has indicated that surface water flows can be addressed via drainage channels along the western boundary of the site. This will drain towards the attenuation pond which will act as a design feature in the development. This attenuation pond will be served by a hydrobrake which will control discharge flows out to the drainage ditch running along the northern boundary of the site. The Council's Drainage Engineers have assessed these measures as being suitable, should infiltration testing prove that surface water flows cannot be accommodated within the existing groundwater table.

On this basis, the development accords with Policy W SP1 of the Arun Local Plan.

HABITATS AND BIODIVERSITY

Policy ENV DM5 of the Arun Local Plan is accordant with NPPF provisions and requires developments, in the first instance, to seek to achieve a net gain in biodiversity and protect existing habitats on site. It requires developments to incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

Paragraph 170(d) of the National Planning Policy Framework states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 174(b) of the National Planning Policy Framework requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity. Further, paragraph 175(d) requires local planning authorities to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

The applicant has provided information on landscape and ecology which has received positive comments from the Council's Landscape Officer within the consultation period. The measures detailed within the corresponding reports and plans will be secured by imposition of conditions relating to landscaping which will improve the biodiversity value across the site.

Taking the above factors into account the development accords with paragraphs 170(d), 174(b) and 175(d) of the National Planning Policy Framework and Policy ENV DM5 of the Arun Local Plan.

SUMMARY

Arun District Council are unable to demonstrate a 5 year housing land supply on the date of this assessment and therefore the presumption in favour of sustainable development follows. Paragraph 11(d)(ii) requires permissions be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2019 Framework taken as a whole.

This report has assessed the application against the aforementioned matters in the contents of the National Planning Policy Framework which takes precedence. It has considered that the proposed development accords with the 2019 Framework. Under paragraph 11(d) it therefore follows that planning permission should be granted.

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

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 :

190725-LP-01 - Location Plan
190725-SL-01 Rev L - Site Layout
190725-HT-A-EL Rev B - House Type A Elevations
190725-HT-A-FR Rev B - House Type A Floor Plans
190725-HT-B-EL Rev D - House Type B Elevations
190725-HT-B-FP Rev C - House Type B Floor Plans
190725-HT-C-EL Rev C - House Type C Elevations
190725-HT-C-FP Rev B - House Type C Floor Plans
190725-HT-D-EL Rev C - House Type D Elevations
190725-HT-D-EL Rev C - House Type D Floor Plans
190725-HT-E-EL Rev D - House Type E Elevations
190725-HT-E-FP Rev D - House Type E Floor Plans
190725-HT-F-EL - House Type F Elevations
190725-HT-F-FP - House Type F Floor Plans
190725-SS-01 Rev B - Street Scenes/Sections
190725-SL-03 Rev D - Site Layout Refuse Strategy
190725-SL-02 Rev E - Site Layout Parking Strategy
LLD1762-ARB-DWG-002 Rev 07 - Tree Retention and Protection Plan
KNC1933 602-01 Rev D - Drainage Strategy
602-01 Rev D - Drainage Strategy

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course level shall take place 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.

- 4 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:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) 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 Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.
- l) The hours of construction/demolition activities
- m) 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, QE SP1 and D DM1 of Arun Local Plan.

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. 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.

- 6 The development shall not commence 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.

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

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

- 8 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained 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.

- 9 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. LLD1762-ARB-DWG-002, Rev 07. 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

- 10 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 and splays shown on KNC1933 605-01 Rev A and retained as such at all times thereafter. The visibility splays hereby approved and provided on site shall be kept clear above 600mm from AOD at all times thereafter.

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

- 11 No part of the development shall be first occupied until the vehicle parking, garages and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use and the garages shall be retained for the purposes of parking of a private motor vehicle, unless otherwise agreed with the Local Planning Authority, in writing.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy D DM1 of Arun Local Plan.

- 12 No part of the development shall be first occupied until the bin stores and secure covered cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The bin storage agreed under the approved 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.

- 13 Prior to the occupation of any dwellings hereby permitted, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval. Details submitted shall accord with the provisions contained within the Arun District Council Supplementary Planning Guidance on Parking. The development shall thereafter be implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

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

- 14 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

- 15 The development shall proceed in accordance with the Ecological Impact Assessment and prior to occupation ecological enhancements detailed on page 18 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.

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

- 16 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact and Method Statement, Lizard Landscape Design Ltd., LLD1762-ARB-REP-001, Rev 04.

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 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 .

- 18 The approved details of the landscaping contained within Detailed Planting Plan LLD1762-LAN-DWG-200 Rev 01 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.

- 19 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.

- 20 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.

- 21 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.

- 22 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.

- 23 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.

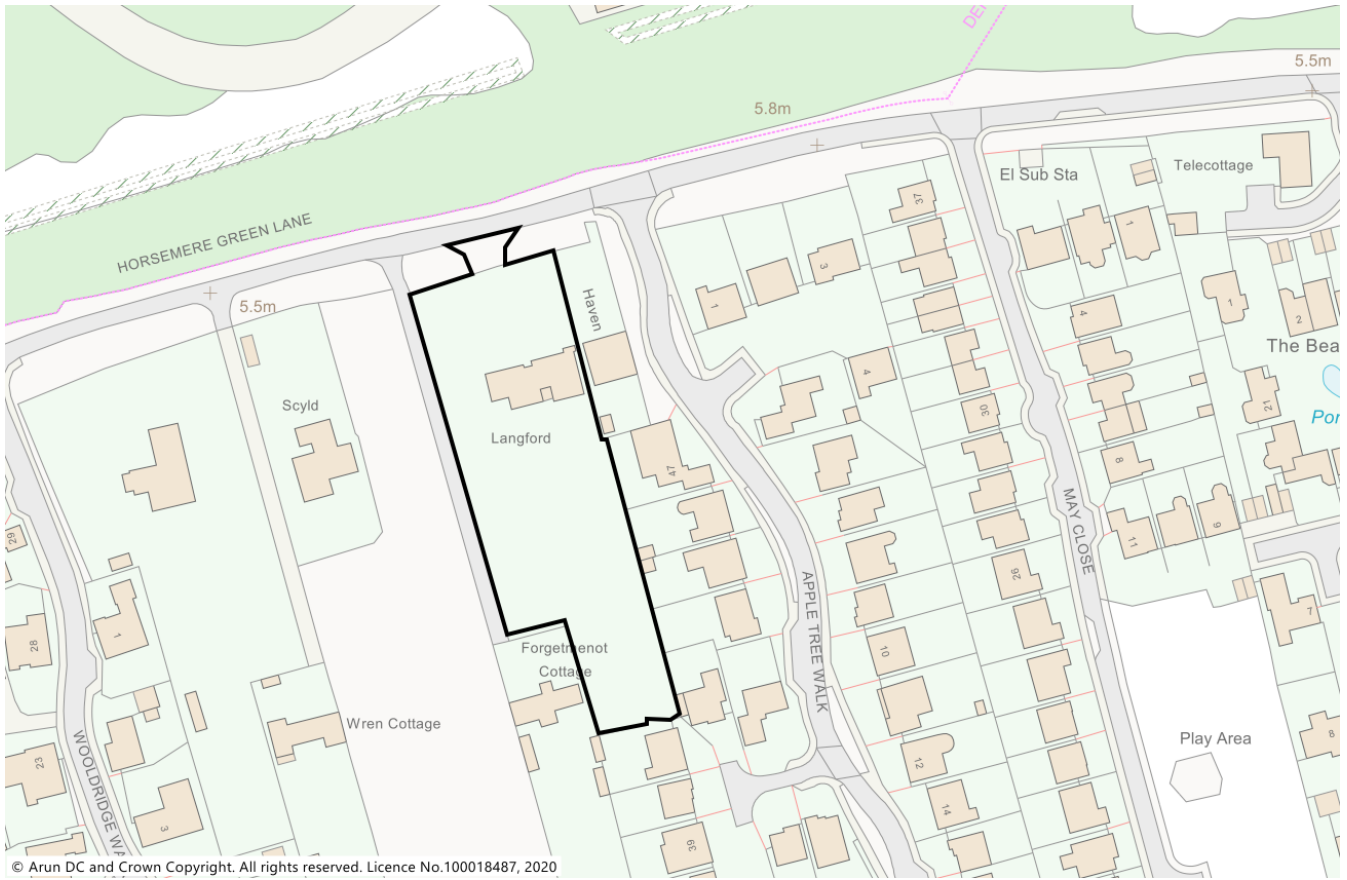
- 24 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally 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.

- 25 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement between the applicants and West Sussex County Council requiring the provision off the footpath upgrading to be undertaken and provided prior to the occupations of the dwellings permitted by this planning permission.

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.](https://www.arun.gov.uk/weekly-lists)

CM/64/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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