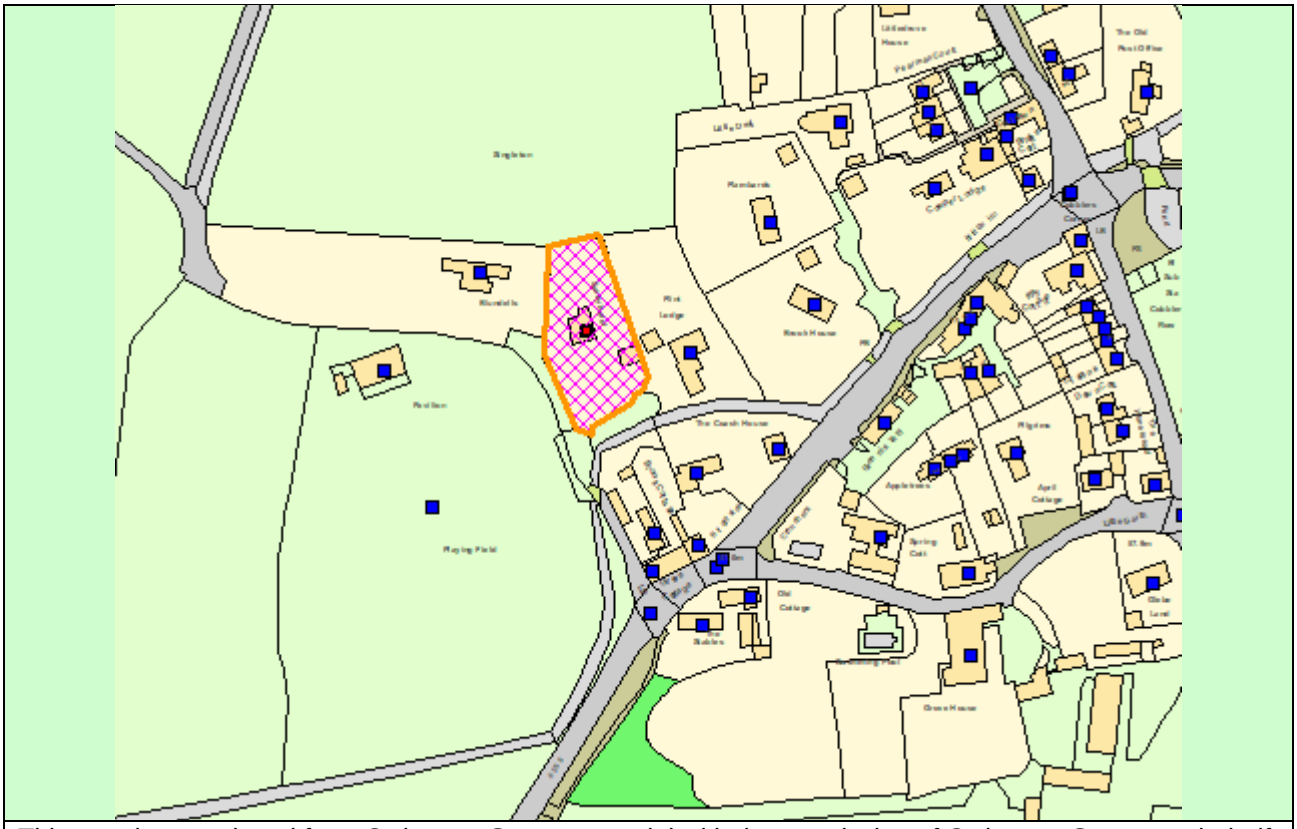
Report to	**Planning Committee**
Date	**15 May 2024**
By	**Director of Planning and Environment**
Application Number	**SDNP/24/01139/CND**
Applicant	**Mr Peter Collins**
Application	**1 no. 3 bedroom detached dwelling with detached garage to supersed previous full planning approval for 1 no. 4 bedroom replacement dwe with detached garage (under SDNP/18/01390/FUL). (Variation of cond 6 of permission SDNP/22/05832/FUL- alternative surface water draina**
Address	**Sunnyhurst Paddock Lane Singleton West Sussex PO18 0EX**

Recommendation: That the application be Approved subject to the conditions set out in paragraph 10.1 of this report.



Executive Summary

Reason for Committee Referral: Parish Objection – Officer Recommends Permit.

This application seeks planning permission for a replacement 3-bedroomed dwelling with detached garage. The design of the replacement dwelling is identical to that approved under planning permission SDNP/22/05832/FUL with the sole consideration under this application being a revised surface water drainage scheme for the site. The reason for the application is that the previously approved surface water drainage scheme which was approved as part of the application can no longer be implemented as it was due to cross third-party land.

The revised drainage scheme proposes an on-site infiltration-based solution to surface water drainage, utilising shallow above ground attenuation storage (in the form of a small 'domestic scale' SuDS basin) followed by on-site infiltration, using a shallow infiltration blanket.

CDC's drainage engineer considers the scheme to be a valid alternative method of draining the site and is a welcome move back up the drainage hierarchy, as on-site infiltration is always preferable to discharging flows off-site. The Environment Agency has been consulted and raise no objection subject to the SuDS scheme only taking water from the roof of the dwelling which the applicant has confirmed to be the case. The Local Lead Flood Authority has been consulted and have provided no comments based on the small-scale nature of the development.

The proposed surface water drainage scheme is considered acceptable and will result in the satisfactory drainage of the site and this application is therefore recommended for approval.

1. Site Description

1.1 The application site is located on the west side of Singleton village north of the A286 within the Singleton Conservation Area and the wider South Downs National Park. The site is accessed by a narrow track serving a group of residential properties and Singleton cricket ground. A public right of way runs along the access track to the west of the application site and provides pedestrian access to a property called Blundells, the cricket ground and the countryside to the north and west. The River Lavant runs immediately to the south of the application site.

1.2 The site is located within Flood Zones 2 and 3, a Source Protection Zone and is within the within the 6.5km buffer zone of The Cocking and Singleton Tunnels SAC which has been designated for its bat population.

2. Relevant Planning History

SDNP/18/01390/FUL- Demolition of existing dwelling and replacement with 1 no. four-bedroom cottage. Approved 29.10.2021

SDNP/22/05832/FUL - 1 no. 3 bedroom detached dwelling with detached garage to supersede previous full planning approval for 1 no. 4 bedroom replacement dwelling with detached garage (under SDNP/18/01390/FUL). Approved 28.04.2023

SDNP/23/04772/CND - 1 no. 3 bedroom detached dwelling with detached garage to supersede previous full planning approval for 1 no. 4 bedroom replacement dwelling with detached garage (under SDNP/18/01390/FUL). (Variation of condition 6 of permission SDNP/22/05832/FUL - alternative surface water drainage). Refused 12.03.2024

3. Proposal

This application seeks planning permission for a replacement 3-bedroomed dwelling with detached garage. The design of the replacement dwelling is identical to that approved under planning permission SDNP/22/05832/FUL and the dwelling is now substantially completed. The sole consideration under this application being a revised surface water drainage scheme for the site.

4.0 Consultations

4.1 Parish Council

Failure to comply with Planning Conditions:
Conditions 6 of permission SDNP/22/05832/FUL requires compliance with SDNP/19/05049/DCOND, which at Condition 5 states: '*Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage*.' The letter from Aqua Callidus Consulting shows that the BRE365 Field Permeability Tests were all carried out on 11 May 2023, ie early summer. In summary, we believe their conclusions are based on unreliable data and their recommendations are thus misguided.

The CDC Drainage Engineer stated in his comments on SDNP/19/05049/DCOND (posted December 2019), '*I would like to remind the applicant that infiltration testing should be undertaken during the wet winter months*'. On 24 April 2020, along with a report of tests carried out on 21 January 2019 by a company called Constructive Evaluation, he commented, *'I note that the 'Winter Groundwater Monitoring' results have now [been] submitted which (if I have read the unusually formatted results graphs correctly) show groundwater levels peaking at around 0.3mbgl'.*

Under 'Site Considerations', the Aqua Callidus document states: *'Where determined, what is the depth to highest seasonal groundwater level (GWL) from surface: 3.00 m*'. This is in clear conflict with the above figure of 0.3m.

The latest survey and report clearly do not comply with the requirement to monitor groundwater and drainage in winter. The tests carried out on 11 May involved digging holes 2.92m deep: had they been dug in mid-winter, they would of course have filled with groundwater and produced very different conclusions – as did those dug by Constructive Evaluation in January 2019.

Local observations:
Groundwater levels are a perennial problem here in Singleton & Charlton: almost every winter it causes problems with our sewers, which suffer from water infiltration. We are in regular contact with Southern Water, seeking to increase our understanding of groundwater and related issues and to nudge them towards a viable solution. In addition, many local properties have springs beneath their floors, which create dampness and occasional flooding problems. Groundwater problems typically start in December/January and continue until the end of March: by May, levels have generally fallen sufficiently for groundwater to no longer be a problem.

We also have groundwater data from nearby Chilgrove Well, supplied by British Geological Survey, which shows the level on 11 May 2023 (the date of the tests) to be 60.93m. At its peak on 17 January 2023, it reached 76.81m: a full 15.88m higher. By May it was very much on a downward trajectory, having remained very high throughout December/January/February. And while last winter was very wet, it was by no means exceptional: Chilgrove Well normally reaches at least the mid-60s in winter, often topping 70m; in 2013/14 it topped 76m, while in the winters of 1993/94 and 2000/01 it topped 77m. Of course, these were all during periods of heavy rain: precisely the circumstances in which proper surface-water management is most needed. Rainfall records show that 11 May 2023 followed a relatively dry fortnight, so all in all, ground conditions were nowhere near typical of winter conditions.

The impact of temperature:
Looking into the subject in more detail, we also learned that water is more viscous at colder temperatures – sufficiently so as to impede the rate of infiltration (soaking into the soil) and transmission (soaking through the subsoil). Various online resources show that water is approximately 50% more viscous at 5°C than it is at 20°C – so the impact can be significant; and would help to explain why the ground remains wetter for longer in winter. Of course, we have no record of the temperature of the water used or the ground into which it was poured; however, we understand that the water arrived in plastic containers, so was likely to be considerably warmer than rain on a cold winter's night; and the surface temperature of the soil in winter will, of course, be much lower than that of the soil tested in mid-May.

The risks:
The modified scheme refers to a '*drainage blanket providing the connectivity to the gravel stratum below*' – but states that this will itself accommodate only 1m3 of water. If the groundwater is only 0.3m below the surface and the microbasin is 0.1m deep, then this leaves only 0.2m (20cm) between basin and groundwater: leaving the rainwater nowhere to go beyond the drainage blanket. The Aqua Callidus calculations show 16.78m3 of water flowing into this basin in 'worst case' conditions; if 1m3 is able to soak into the drainage blanket and no further, then once the 11.3m3 basin is full, this would leave around 4.5m3 – or 1,000 gallons – of rainwater free-flowing across the (already saturated) surrounding ground.

We believe that had the tests been carried out (or even attempted) in winter conditions – as originally advised by the CDC Drainage Engineer and required by Condition 5 – then the conclusions would have shown that this latest plan is indeed wishful thinking and that the only viable solution is as per the original plan: to vent surplus surface water to the river.

Drainage hierarchy:
Of course, we understand the principle, as stated by the CDC Engineer that, '*on-site infiltration is always preferable to discharging flows off-site'.* However, the same Engineer previously acknowledged that this is not possible with this development, when on 24 April 2020 he wrote,
'*These very high peak groundwater levels appear to rule out 'on-site infiltration' as the sole method of surface water disposal. Instead, a new approach of 'attenuation followed by a restricted discharge to the River Lavant' has been proposed as the most appropriate method of draining the development. This is acceptable in principle…'.*

While we acknowledge the role of the drainage hierarchy in planning decisions, we believe the planning authority has a duty to consider the impact on surrounding properties as well as those further downstream and the wider environment: enabling localised flooding is to be encouraged when it's on open wetland, but enabling flooding across lower lying neighbouring properties is surely not.

Aesthetics and long-term viability:
Leaving aside the operational questions over this scheme, we would question its viability in the front garden of what will, after all, be a 'prestige home'. The '*localised lowering in the floodplain area on the front lawn'* proposed by Aqua Callidus amounts to a part- me pond (the 'microbasin'), in the middle of the front garden, 10cm deep and 3.8m (about 12'6") diameter. This would repeatedly fill and drain, gathering dirt and dust and the resulting slime, quickly becoming something of an eyesore (even if the comprehensive maintenance schedule is adhered to). It seems likely that the new owners (or maybe their successors) will be looking for ways to smarten up and make better use of this significant portion of their front garden, leading to all sorts of problems.

Clarification and way forward:

For the avoidance of misunderstanding, we should make it clear that this submission has been prepared, discussed and agreed independently from the Parish Council Chairman – who is also the immediate neighbour, living at Flint Lodge. Furthermore, we have sought assurances with regard to the applicant's claim that, "*It has not been possible to achieve an agreement with the neighbour to install the drainage pipe under his drive and into the river. This is because he is requiring an exorbitant fee*". We are assured by Mr Zacharias that this is not the case and he has stated, "*I am not. I am seeking due indemnities, recovery of costs incurred by me during this process and a contribution to the cost of repairing the track which has been significantly degraded by the lorries and heavy machinery used during construction*".

We take all local planning applications very seriously and have approached this one exactly as we would any other. This has included seeking opinions of neighbours affected by the proposals, just as we would for any other case of this significance. We understand that for a variety of reasons, the working relationship between the developer and the neighbours has broken down. We would encourage all parties to sit down together and work out a viable and sustainable long-term solution to what is, after all, going to be a very long-term practical issue: the risk to future occupiers of Sunnyhurst, as well as their immediate neighbours, posed by surface water flooding.

4.2 Environment Agency

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position.

Provided the SUDs system is only taking roof water we have no objection to the variation of the condition 6. Should the system be designed to also receive from parking areas, this should be included in the calculations and suitably mitigated against if necessary.

4.3 WSCC – Flood Risk Management Team (LLFA)

As this is an application for one property and therefore considered a minor application, West Sussex County Council have no comments.

4.4 CDC - Coastal and Drainage Engineer (Coastal Partners)

Condition 6 (Surface Water Drainage) states:

'The proposed overall site wide surface water drainage shall be carried out in accordance with the details of the scheme approved under reference SDNP/19/05049/DCOND, dated 12.08.2020. Any material variation to the approved scheme shall not be carried on unless agreed in writing (with appropriate supporting documentation) by the LPA.'

The documents submitted in support of this application intend to vary the above condition by proposing an alternative drainage scheme to the one approved under SDNP/19/05049/DCOND.

The previously approved scheme to drain the developments surface water proposed attenuation followed by a restricted discharge to the designated main river close to the site's southern boundary (with a conduit for the flows crossing land outside the applicant's boundary). However, the newly submitted scheme now proposes an on-site infiltration-based solution.

Previously, ground investigations had found peak winter groundwater levels to be close to the surface at this site, as close as 0.3 m below ground level. This ruled out traditional soak-away structures (as well as shallow subterranean infiltration structures). It was due to those ground investigation results, that previously an agreement was reached allowing

the applicant to move down the 'surface water drainage hierarchy' to an attenuated and restricted off-site discharge. (This was a less preferable solution to on-site infiltration as it precludes the utilisation of any infiltration potential on site that does exist and results in more water leaving the curtilage of the site, in more storm events, when ideally we would like to see as much on-site infiltration potential used as possible to reduce the amount of run-off discharged off-site that has the potential to impact of 'others' downstream).

The latest submission now proposes an unusual (for the scale of the development) but still completely valid alternative method of draining the site, utilising shallow above ground attenuation storage (in the form of a small 'domestic scale' SuDS basin) followed by on-site infiltration, using a shallow infiltration blanket.

This is therefore a welcome move back up the drainage hierarchy, as on-site infiltration is always preferable to discharging flows off-site, for the reason described above.

Therefore, we recommend this condition is discharged because the proposal should adequately drain the development.

Comments from CDC Drainage Engineer in relation to the submission of Singleton and Charlton Parish Council

Failure to comply with Planning Conditions:

PC. Under 'Site Considerations', the Aqua Callidus document states: 'Where determined, what is the depth to highest seasonal groundwater level (GWL) from surface: 3.00 m'. This is in clear conflict with the above figure of 0.3m.

I believe this to be a typo, which should read 0.30m or 300mm… I suggest the drainage consultant is asked to confirm this.

PC The latest survey and report clearly do not comply with the requirement to monitor groundwater and drainage in winter. The tests carried out on 11 May involved digging holes 2.92m deep: had they been dug in mid-winter, they would of course have filled with groundwater and produced very different conclusions – as did those dug by Constructive Evaluation in January 2019.

Yes, I would have **preferred** that the infiltration tests be carried out in the middle of the winter, and at the depth of the base of the proposed infiltration structure (which, **for clarity, is proposed to be above the recorded peak winter groundwater level**). However, the percolation tests were repeated 3 consecutive times (to replicate saturated ground conditions), with the lowest infiltration rate then used to inform design of the SuDS features. Additionally, the results aligned with previous testing undertaken back in 2019, therefore I was not sufficiently concerned enough to demand further testing, especially as this is a single domestic dwelling.

PC The impact of temperature:*'Looking into the subject in more detail, we also learned that water is more viscous at colder temperatures – sufficiently so as to impede the rate of infiltration (soaking into the soil) and transmission (soaking through the subsoil). Various online resources show that water is approximately 50% more viscous at 5°C than it is at 20°C – so the impact can be significant; and would help to explain why the ground remains wetter for longer in winter. Of course, we have no record of the temperature of the water used or the ground into which it was poured; however, we understand that the water arrived in plastic containers, so was likely to be considerably warmer than rain on a cold winter's night; and the surface temperature of the soil in winter will, of course, be much lower than that of the soil tested in mid-May'*

Percolation testing needs to be undertaken in accordance with BRE365 as this is best practice. BRE 365 makes no reference whatsoever to water temperature. We have no

way to monitor the temperature of water used in percolation testing, and even if we did, what temperature would be deemed “acceptable” and what justification would there be for enforcing an arbitrary “standard”?

Drainage hierarchy:

PC ‘Of course, we understand the principle, as stated by the CDC Engineer that, ‘on-site infiltration is always preferable to discharging flows off-site’. However, the same Engineer previously acknowledged that this is not possible with this development, when on 24 April 2020 he wrote, ‘These very high peak groundwater levels appear to rule out 'on-site infiltration' as the sole method of surface water disposal. Instead, a new approach of 'attenuation followed by a restricted discharge to the River Lavant' has been proposed as the most appropriate method of draining the development. This is acceptable in principle…’.

As I state in my email below: Previously, on site infiltration at this location was deemed to be unviable due to the peak winter groundwater levels observed during winter groundwater monitoring. For clarity; the peak groundwater levels observed were close to, but still below, the surface of the ground. The proximity of the peak ground water levels to the surface meant that (at times of extremely high groundwater levels) the base of traditional subterranean soak-away structures, and even most shallow ‘blanket’ soakaway structures, would encroach down into the saturated layer. This would be unacceptable, as even though some infiltration potential would exist in the permeable strata above the peak groundwater level, during periods of extremely high groundwater levels, the soakaway’s required attenuation capacity would be compromised by groundwater (and performance of the soakaway would be compromised, as the base would be within the saturated zone and not available to facilitate infiltration). Therefore, we were willing to accept the applicant’s proposed move down the drainage hierarchy to a “tanked” attenuation feature (sealed against groundwater infiltration, to ensure capacity was not compromised) followed by a restricted discharge to the ‘local’ watercourse.

Therefore, an extant permission exists where the entirety of the site’s run-off is attenuated then discharged off-site, which is obviously not the ideal situation, but a justifiable proposal given traditional infiltration structures. Seemingly due to complications in reaching the necessary agreements with 3rd parties to deliver the previously approved SuDS scheme; the applicant has asked their drainage consultant to explore alternative options for the site’s surface water drainage. The consultant produced a novel approach of providing the required volume of attenuation storage above ground, effectively using the development’s front lawn as a shallow SuDS basin. (Note: We do not normally see such SuDS solutions on small-scale single domestic property developments, they are more common on large developments, but that does not make this proposed solution an invalid approach for surface water drainage). This ensures the required attenuation volume is provided wholly above the peak groundwater levels observed during winter groundwater monitoring. The base of this structure still has connectivity down into the permeable strata, at a level above the peak groundwater level, therefore the infiltration performance of this feature is not compromised in the same way a subterranean soakaway structure, with a base below the peak groundwater level, would have been. It is worth noting that if the peak groundwater levels were low enough to enable a subterranean blanket soakaway to be designed, we would have readily accepted those proposals (as the infiltration feature’s attenuation capacity would not have been compromised by groundwater infiltration), this situation is similar; the attenuation is being provided above the peak groundwater level so there is no loss of capacity… Using the results of peak winter groundwater monitoring to inform the detailed design of infiltration features is standard practice and we would not normally consider events/situations where those levels are exceeded, I see no justification for departing from that standard practice for this application…

PC While we acknowledge the role of the drainage hierarchy in planning decisions, we believe the planning authority has a duty to consider the impact on surrounding properties as well as those further downstream and the wider environment: enabling localised flooding is to be encouraged when it's on open wetland, but enabling flooding across lower lying neighbouring properties is surely not.

I totally agree! The extant SuDS proposals result in the entirety of the run-off from the site being discharged off-site, therefore potentially impacting "others", whereas the revised proposals propose the utilisation of the site's on-site infiltration potential therefore reducing the volume of water discharged off-site, reducing the potential impact on "others", so this passage appears to be supportive of the revised proposals…

The Risks

PC The modified scheme refers to a '*drainage blanket providing the connectivity to the gravel stratum below*' – but states that this will itself accommodate only 1m3 of water. If the groundwater is only 0.3m below the surface and the microbasin is 0.1m deep, then this leaves only 0.2m (20cm) between basin and groundwater: leaving the rain water nowhere to go beyond the drainage blanket. The Aqua Callidus calculations show 16.78m3 of water flowing into this basin in 'worst case' conditions; if 1m3 is able to soak into the drainage blanket and no further, then once the 11.3m3 basin is full, this would leave around 4.5m3 – or 1,000 gallons – of rainwater free-flowing across the (already saturated) surrounding ground.

We believe that had the tests been carried out (or even attempted) in winter conditions – as originally advised by the CDC Drainage Engineer and required by Condition 5 – then the conclusions would have shown that this latest plan is indeed wishful thinking and that the only viable solution is as per the original plan: to vent surplus surface water to the river.

It is undoubtedly true that surface water drainage difficulties exist at this location. Had this been a greenfield site then I cannot imagine that planning permission would be granted for a domestic property at this location. However, there was a pre-existing domestic dwelling at this location and planning permission has been granted for a replacement dwelling. The Environment Agency did not object to the principle of the proposed development, subject to appropriate finished floor levels. Therefore, the challenge now is to agree the most appropriate SuDS solution on a very challenging site. The utilisation of the site's infiltration potential and following the drainage hierarchy (by minimising the off-site discharge in as many storm scenarios as possible) is surely the most appropriate approach. This site falls within Flood Zones 2 and 3, therefore it is an unavoidable fact that parts of the site are likely to be flooded during the most extreme events, however, **as planning permission has been granted** for a replacement dwelling at this location, the only option is to agree the optimal SuDS solution. As the revised proposals make use of the infiltration potential that exists on site, I see this as being preferable to the previously approved SuDS scheme. However, if you as the Planning Officer are not satisfied with the proposals, then it is within your prerogative to not approve the revised proposals. (The applicant then has the fall-back position of the previously approved scheme).

5.0 **Third Party Representations**

5.1 2 no. Third Party Objections received:

The Parish Council queries and concerns arising from a detailed study have not been addressed.

The proposed drainage solution has been submitted as it is asserted no agreement can be reached between the neighbour and the owners of Sunnyhurst to the original venting

option to be implemented. The neighbours state they fully support the venting option and a solution has been offered to the owners but no response has been forthcoming to date.

The CDC drainage engineer, noted that"…"Winter ground water monitoring (will be required) to establish highest ground water levels and percolation testing to BRE365, or similar approved, will be required to support the design of any infiltration drainage". This has not been carried out in support of the alternative proposed drainage scheme. In April 2020 the CDC drainage engineer added".."I note that the Winter ground water monitoring results have now been submitted which....show ground water levels peaking around 0.3mbgl. These very high ground water levels appear to rule out on-site infiltration as the sole method of surface water disposal." An explanation of the CDC drainage engineer's support now for the on-site drainage solution, given that no new additional technical data has been adduced, would be welcome.

Under Government guidelines for a s.73 application to succeed".."proof will have to be submitted that the conditions are no longer relevant or reasonable." The original condition relating to the venting of excess surface water into the River Lavant remains both relevant and reasonable and no proof to the contrary has been provided. The revised scheme and related application are inadmissible.

6.0 Planning Policy

Relevant Sections of National Planning Policy Framework:

- NPPF02 - Achieving sustainable development
- NPPF14- Meeting the challenge of climate change, flooding and coastal change

Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)

- SD49 Flood Risk Management
- SD50 Sustainable Drainage Systems

Relevant Policies of South Downs Management Plan (2020-2025)

- Policy 24 'Support and promote river catchment management approaches that integrate sustainable land management wildlife conservation, surface and groundwater quality and flood risk management.'

Other Relevant Policy Documents (including SPDs and TANs)

N/A

7. Planning Assessment

7.1 This application seeks planning permission for a replacement 3-bedroomed dwelling with detached garage. The design of the replacement dwelling is identical to that approved under planning permission SDNP/22/05832/FUL with the sole consideration under this application being a revised surface water drainage scheme for the site. The reason for the application is that the previously approved surface water drainage scheme which was approved as part of the application can no longer be implemented as it was due to cross third-party land.

7.2 The main issue with this planning application is therefore whether the revised surface

water drainage scheme is acceptable and will satisfactorily deal with surface water drainage from the site.

7.3 The previously approved scheme to drain the developments surface water proposed attenuation followed by a restricted discharge to the designated main river (the River Lavant) close to the site's southern boundary (with a conduit for the flows crossing land outside the applicant's boundary).

7.4 The newly submitted scheme now proposes an on-site infiltration-based solution. CDC's Drainage Engineer has considered the revised scheme and considers it to be a preferable solution to the one previously approved. They have commented as follows:

'The latest submission now proposes an unusual (for the scale of the development) but still completely valid alternative method of draining the site, utilising shallow above ground attenuation storage (in the form of a small 'domestic scale' SuDS basin) followed by on-site infiltration, using a shallow infiltration blanket.

This is therefore a welcome move back up the drainage hierarchy, as on-site infiltration is always preferable to discharging flows off-site, for the reason described above'.

7.5 CDC's Drainage Engineer therefore considers the proposed scheme to be an acceptable method of dealing with surface water drainage from the site.

7.6 The Lead Local Flood Authority was consulted on the proposal and as the application was for only one property and therefore considered a minor application they had no comment to make.

7.7 The Environment Agency (EA) was consulted on the application and had no objection provided the SuDs system is only taking roof water. The applicant has confirmed that this is the case. The EA also questioned whether the system should be designed to take water from the drive and parking area. The applicant has confirmed that the drive and parking area are constructed from a permeable surface and therefore surface water will naturally permeate through this into the ground. Therefore, the SuDs system does not need to be designed to take water from the drive and parking area.

7.8 The EA had previously raised an issue in relation to the Source Protection Zone (SPZ3) and did not consider the scheme had identified the presence of the Source Protection Zone (SPZ3) correctly and therefore had not made an accurate assessment of the risk of contamination to the principal aquifer. The applicant has confirmed that sufficient provision has been made in the scheme to avoid pollution of the aquifer and the EA has no objection to the scheme on this ground.

<u>Issues raised by Singleton and Charlton Parish Council</u>

7.9 The Parish Council has made a comprehensive submission in relation to this planning application. These matters have been addressed by CDC's Drainage Engineer in paragraph 4.3 above.

8. Conclusion

8.1 The overall philosophy of SuDS is to replicate, as closely as possible, the natural drainage process of a site prior to development to mitigate the adverse effect of storm water runoff on the environment to control surface water flow and improve water quality, amenity and bio-diversity within the development. The proposals the subject of this application have been considered by the relevant drainage experts. The Environment Agency does not object to the proposal. The applicant has demonstrated the SuDs system will only take water from the roof of the property and will avoid any potential contamination to the aquifer through the use of pollution control measures. The Council's own Drainage Engineer has also raised no objection to the proposal and considers the scheme to be an improvement over the previously agreed scheme as it proposes to deal with any surface water within the site rather than discharging flows off-site, thus avoiding potential issues downstream of the site alluded to by the Parish Council.

8.2 The information submitted to support the proposal demonstrates the proposed on-site infiltration-based solution will allow natural drainage of the site to comply with both planning policy and building regulations.

8.3 The application is recommended for conditional approval.

9. Added Value

9.1 Climate Action - appropriate drainage for the site

10. Reason for Recommendation and Conditions

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

Planning Conditions and Reason

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the letters and enclosures submitted by Aqua Callidus Consulting dated 30.08.2023 and 11.10.2023.

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

3. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

   Reason: To ensure satisfactory surface water drainage.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no hardstanding permitted by Schedule 2 Part 1 Class F shall be constructed or laid anywhere within the curtilage of the proposed dwelling without a grant of planning permission.

Reason: The site lies within Flood Zones 2 and 3 (high risk) and therefore it is considered reasonable and prudent for the LPA to control the nature and location of any hardstanding to ensure that the known risk of flooding either through surface water or ground water origin is not increased within or off site.

5. Notwithstanding and in addition to, the limitations set out in Condition 4 above, for the avoidance of doubt, the surfacing medium of the drainage blanket described and shown coloured green and blue on Drawing No. ACC-22179-01 Rev B shall be retained as approved in perpetuity. No chattel or other decorative garden feature(s), planting beds or similar shall be placed or formed within this area at any time.

Reason: To ensure that the effectiveness of the approved drainage scheme is not compromised in any way, in the interests of the proper management of surface water discharge generated by the development.

6. Notwithstanding the provisions of the Schedule 2 Part 1 Class A of Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.

7. Notwithstanding the provisions of Article 3 Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building or structure shall be erected or made on the application site without a grant of planning permission.

Reason: To enable the SDNPA to consider the siting and method of construction of such buildings and structures in detail to ensure that they do not materially increase the risk of flooding within or adjacent to the application site.

8. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site, unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification)the garage/parking areas hereby approved shall be used solely for vehicle parking purposes incidental to the occupation and enjoyment of the dwelling units to which they serve, and shall not be used for nor in connection with any commercial trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written consent of the Local Planning Authority.

Reason: To ensure the retention of parking provision.

10. The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

11. Before the development hereby permitted is brought into use the details for hedgehog and bird nesting opportunities approved under application reference SDNP/23/05236/DCOND shall be implemented prior to the completion of the scheme and shall thereafter be left in situ in perpetuity. Should such features be damaged beyond repair or destroyed, they shall be replaced with similar features the earliest opportunity.

Reason: In order to provide suitable nesting for hedgehogs and birds and prevent deterrents in their nesting in accordance with the Wildlife and Countryside Act 1981

12. The upper glazing in the rear oak framed lounge hereby approved shall be fitted with automatic blackout blinds to avoid any light spill in accordance with sections 6.3 and 9 of the SDNPA's Dark Skies Technical Advice Note (May 2021). Once installed the blinds shall be maintained in working order and retained as approved in perpetuity.

Reason: In order to safeguard the dark night skies within the South Downs National Park in accordance with Policy SD08 (Dark Night Skies) of the South Downs National Park Local Plan

Mike Hughes
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Appendices _Appendix 1 - Information concerning consideration of applications before committee	
SDNPA Consultees	Environment Agency CDC Drainage Engineer Singleton and Charlton Parish Council
Background Documents	SDNPLP SDNPA Management Plan National Planning Policy Framework National Planning Practice Guidance Planning (Listed Buildings and Conservation Areas) Act 1990

Appendix 1 – Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 183 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 183 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 183 is undertaken in the Assessment Section of the main report.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan 2019-2025

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that "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".

All policies of the South Downs Local Plan which are of relevance to this application

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD17 - Protection of the Water Environment
- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD50 - Sustainable Drainage Systems

All Relevant Policies of the Neighbourhood Plan

- N/A

Legislation for Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect Listed Buildings, Conservation Areas or their setting. Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 relates to conservation areas specifically, and states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is confirmed that, where the application relates to Listed Buildings, the setting of Listed Buildings, or sites within or adjacent to a Conservation Area, regard has been had to the above legislation

Scheduled Ancient Monuments (SAMs) are protected by law and any physical works affecting them is likely to require Scheduled Monument Consent from Historic England (on behalf of the Secretary of State) which is separate from the statutory planning process. In regard to planning decisions, the impact of development upon the setting of a scheduled monument and its nationally important heritage significance can be a material planning consideration and will have been taken into account when assessing the proposals.

Human Rights Implications

These planning applications have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Equality Act 2010

Due regard has been taken within this application of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

Crime and Disorder Implication

It is considered that the proposal does not raise any crime and disorder implications.

Community Infrastructure Levy

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.