

PLANNING APPLICATION REPORT

REF NO: A/114/18/PL

LOCATION: Broadlees
Dappers Lane
Angmering
BN16 4EN

PROPOSAL: Demolition & erection of 70 bed care home within Use Class C2 (replacing building 4 approved by A/27/16/PL), access, parking, landscaping and other associated works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is for a 70 bed care home scheme split over 2.5 storeys. This includes communal facilities such as lounges, a coffee shop and hairdressers, 27 car parking spaces including 2 disabled spaces and cycle parking.</p> <p>The materials for the elevations include facing brickwork, render, hanging tiles and flint and the roof would comprise red/brown roof tiles.</p> <p>The layout will take advantage of the slope of the site by creating a lower ground floor with bedrooms and communal spaces facing over the south of the site.</p>
SITE AREA	0.7 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	100 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Some hedging and preserved trees to west and south and timber fencing to others.
SITE CHARACTERISTICS	The dwelling has been demolished and the site cleared of buildings.
CHARACTER OF LOCALITY	<p>The site is located within the built up area of Angmering with an allocated site for 800 dwellings to the north and a mixture of two storey/steeply pitched chalet style detached dwellings to the west on the other side of Dappers Lane. Angmering village centre is approximately 500m away along Water Lane.</p> <p>Immediately south the other side of Water Lane there is a single storey building associated with an angling business and west of this there is a line of 2 storey terraced housing along the western edge of Weavers Lane which, after approximately</p>

300m, meets the High Street.

Immediately north of the site is a former horticultural business (St. Denys Nursery) which includes a two storey dwelling. The site has recently been granted permission for the greenhouse to be demolished and 8 B1 units be erected. Immediately north of this there is another existing complex of B1 units together with extant permission for another 8 B1 units. Further north lie employment and residential uses in sporadic form until you reach Patching.

To the east and north of the site, beyond the allocated housing site, lies the South Downs National Park (SDNP) with its network of Public Footpaths. The SDNP boundary line is approximately 500m to the east and 1km to the north.

RELEVANT SITE HISTORY

A/151/18/CLE	Application for a lawful development certificate following grant of planning permission A/27/16/PL for an existing development - confirmation that permission has been lawfully commenced	
A/27/16/PL	Erection of 53 care apartments within Class C2, parking, access, footpath, landscaping & other associated works. Departure from the Development Plan.	App Cond with S106 09-02-17
A/134/13/	Outline application for demolition of Broadlees and erection of up to 27 x 2 bed age restricted cottages, a 60 bed care home, laundry room, managers cottage and guest suite, with associated car parking This is a departure from the development plan.	Refused 31-01-14

Planning approval A/27/16/PL related to demolition of the existing house and outbuildings and the development of 53 care apartments (45 x 2 bed & 8 x 1 bed) within Class C2 (Residential institutions - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres). The accommodation was spread over 4 detached blocks. The 2 blocks fronting onto Dappers Lane were 3 storey and the two to the rear of the site were 2 storey.

The proposal also included communal gardens, 55 car parking spaces, 8 cycle spaces, a new 2m wide footpath from the site entrance along the east of Dappers Lane and a crossing point onto the west side of Dappers Lane to adjoin the footway that ends at the Water Lane/Dappers Lane junction. The application also included a s106 agreement for financial contributions towards libraries, fire services and additional GP services and provision of highway works connected to the new footpath.

The previous permission was for apartments over a wider area and had a similar access road and

landscape arrangement as the current application. The proposed apartments were split into four individual buildings with the largest of these being at the South-West corner of the site. The proposed application site relates to this block and surrounding land in the SW corner of this wider site. The red edge is around the area of unit 4 approved under planning permission A/27/16/PL. The remainder of the site is within the blue edge. The applicants intend to build out the remainder of the site in accordance with the previously approved permission.

The proposals closely reflect the original approved scheme. The submitted site plan shows that the original footprint closely follows the proposed, and the elevations are similar in building line, scale and appearance. The roof plan, ridge and eaves heights are also readily comparable to those which have been approved, along with the style, materials and building elements.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection: The Parish Council is minded to support the application as a whole, but objects until it has sight of full plans for mitigation of surface and foul drainage issues. At a future date, once the Parish Council has viewed these plans and is satisfied by them, it may consider withdrawing the objection.

68 Objections (including ward member and 47 standard letters)

- Dappers Lane site is not suitable for 29 Care Apartments and a 70 bed Care Home.
- The Transport Assessment and Travel Plan is based on unproven assumptions.
- The buildings are not of 'domestic' scale.
- The revised building is too high and the protruding gables do not enable the scale to be 'justified'.
- This is an over-development with a considerable increase in noise and pollution.
- Current facilities are below what is already required and there is no capacity of local medical services available to meet the needs of the residents and patients.
- Unacceptable piecemeal development.
- Increased risk of foul and surface water flooding.
- Concern regarding height which will be incongruous to the area. The height of the building will also impact on the view and amenity of the South Downs National Park.
- Will lead to cars parking on Dappers Lane, Water Lane and Weaver's Hill, causing congestion.
- Access / egress to planned facility is too close to a hazardous junction.

COMMENTS ON REPRESENTATIONS RECEIVED:

The previous approval and the built residential development to the west and southwest of the site together with other sporadic development along the eastern edge of Dappers Lane makes the impact on the character and appearance of the area acceptable.

There is no highway objection to the proposal in terms of parking provision.

NHS seek a financial contribution towards additional GP provision.

CONSULTATIONS

NHS Coastal West Sussex CCG

Engineering Services Manager

Engineers (Drainage)

Economic Regeneration

Southern Water Planning
Arboriculturist
Parks and Landscapes
Highways England
WSCC Strategic Planning
Surface Water Drainage Team
Environmental Health
Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

Footway - Whilst the provision of a footway along Water Lane would provide some benefits for future residents and employees of the proposed development in conjunction with that proposed as part of planning approvals A/99/17/OUT (for 175 dwellings) and A/40/18/OUT (for 525 dwellings), the provision of a footway would not be a requirement for this application or reason for refusal.

Access - The proposed access associated with the approved development of this site for 53 care apartments (A/27/16/PL) is acceptable to WSCC, and the access associated with A/40/18/OUT has also been safety audited and no issues were raised concerning the proximity of the junctions.

Layout - Vehicle tracking has been provided and is accepted. The site will provide 27 car parking spaces in line with standards and would be expected to generate a peak demand of 20 spaces. A total of 4 cycle parking spaces are to be provided in line with standards.

Southern Water - No Objection. Informative requested.

Environmental Health - No Objection. Conditions requested.

Affordable Housing Officer - Objection.

The Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where more than 11 units are proposed such as on this site. The applicants are proposing to provide 0 dwellings for affordable housing which does not meet this specific policy requirement. The Council's Affordable Housing Policy extends to impact C2 developments, as the proposal is acknowledged to be, and not just C3 use.

All of the necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition.

To meet the requirements of the council's Affordable Housing policy the applicants will need to either provide;

- a) 30% (21 units) of affordable housing on-site as part of the development with the tenure as above;
- b) Provide 21 units for affordable housing elsewhere in the district as part of a bespoke application;
- c) Agree a Planning Obligation set out in the S106 Agreement to pay a commuted sum of £1,680,000 (21 x £80,000) on commencement of the development in lieu of providing on-site affordable housing.

2nd Response - No Objection. Findings of Council commissioned viability study are accepted.

Landscape Officer - As this is a proposal for a development of sheltered apartments for the elderly there would be no requirement for play or play area contribution. However greening to soften the development

would be required on a development of any kind. It is recommended that the indicative scheme would appear suitable for use and location, but full landscaping details should be conditioned.

NHS - Contributions of £70,348 would be requested towards improved facilities at The Coppice GP surgery.

Drainage Engineer - No Objection. Conditions requested.

County Drainage - No Objection

Highways England - No Objection

Economic Development - Request if permission is granted the developer works with local businesses to provide opportunities during the build process for them to be a part of the supply chain.

Legal - Advice in relation to red edge of application site.

The application can proceed to be determined. However if approved the applicant is not legally entitled to implement both permissions as implementation of this latest application (if approved) would prevent full implementation of the existing permission and this application does not incorporate the existing permission.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions included.

With regard to the legal advice it was suggested to the agent that this application was withdrawn and resubmitted with an amended scheme relating to the whole of the application site approved under A/114/18/PL. However they have not chosen to pursue this option. Therefore approval of this application will result in two permissions one of which can't be fully implemented. In addition this application requires a section 106 Agreement to secure contributions and these would be additional to those secured under planning permission A/14/18/PL.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arundel Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
LANDM1	LAN DM1 Protection of landscape character
INFSP1	INF SP1 Infrastructure provision and implementation
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way

TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

[Angmering Neighbourhood Plan 2014 POLICY HD2](#) Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY HD9 Phasing of Residential Development

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

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

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Aldingbourne; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The relevant policies in the Angmering Parish Neighbourhood Plan have been taken into account in the consideration of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that there are no adverse impacts in respect of visual and residential amenity and the character of the area that would significantly and demonstrably outweigh the benefits of granting planning permission.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun Local Plan mainly DDM1 and DSP1 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area. The proposal is considered to be in keeping with its urban setting and to accord with these policies.

The made Angmering Neighbourhood Plan (2015) contains the following policies relevant to principle considerations:

Policies HD1 & HD2 apply to housing supply and carry reduced weight as they are out of date.

Policy HD1 excludes the site from within the built up area boundary, but with the adoption of the Arun Local Plan it is now within the boundary.

Policy HD4 refers to use of compatible materials, policy HD5 refers to height of buildings and policy HD8 refers to car parking.

The adopted Local Plan is up to date in respect to the supply of housing, but the proposal does not comply with the Neighbourhood Plan in terms of the supply of housing policies since it lies outside the built up area boundary and is therefore contrary to the policy requirement that development of Angmering village is focused within the built up area boundary.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that, in instances where there is a conflict between two elements of the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Therefore, the built up area boundaries in the Local Plan are the determinant boundaries.

In terms of height and footprint the principle of development on this part of the site has already been approved under A/27/16/PL where the footprint and height were very similar to that proposed under this application. It is only the impact of the slight change in appearance of the building and the different use and the resultant impact on the character and appearance of the area and residential amenity which will form the basis of consideration of this application.

VISUAL AMENITY AND CHARACTER OF THE AREA

The impact of development in this position and of this scale was previously not considered to be out of keeping when compared to the extensive amount of residential development to the west and south west of the site. Immediately to the north, whilst less developed there are significant pockets of B1 development either existing or with planning permission. To the east of the site is the approved scheme

for the care apartments and beyond that approved strategic housing allocations. Further east is the South Downs National Park and the impact in this respect will be mitigated by the approved housing surrounding the site and the proposed landscaping.

The scale of the proposal reflects the type of development approved whilst trying to keep within the domestic scale of the surrounding context. The perceived scale of the development is minimised by the use of a variety of materials such as brick and flint, along with the incorporation of different features to break up the overall mass of the building. Within the local area there is a mixed palette of materials and styles, however red brick is predominantly used together with flint walls with brick detailing. The materials also now incorporate reference to tile hanging which was not previously included, but is not inappropriate in this location.

From the access road to the north the building appears as a two storey residential scale building, with the upper floor within the roof through the incorporation of dormer windows. This is very similar in scale and appearance to that already approved. The south side has a large terrace which reduces the height on this side, and this boundary is also well screened with an existing tree belt. The building is orientated such that it is surrounded by landscaped gardens which assist in its assimilation into the wider area.

Given the design, materials, footprint and height of the proposal it is considered to accord with policies DSP1 and DDM1 of Arun Local Plan. The incorporation of materials which reflect those used locally meets the requirements of policy HD4 of Angmering Neighbourhood Plan and it has been demonstrated that the built form reduces the impact on their surroundings in accordance with policy HD5 Built Form.

RESIDENTIAL AMENITY

In terms of impact of the building on neighbouring residential amenity there will be no material impact to the east given that the footprint and height of the building are as previously approved under A/27/16/PL and the fenestration alterations are mainly changes to window sizes and design.

There are no additional first floor windows in the end elevations of the development serving bedrooms which face onto the previously approved units on the site. To the west the properties are sufficiently distant for the impact to be acceptable. This is further so when the existing and proposed screening of the site is taken into account. The proposal would not therefore adversely impact on the residential amenities of adjoining properties and is compliant with policy DDM1 of Arun Local Plan.

In so far as external amenity space and proposed bedroom sizes are concerned, these are considered to be acceptable and in line with nationally prescribed space standards.

It is considered that the development, in tandem with the proposed landscaping scheme that would deliver enhanced screening along the whole boundary of the site, would have an acceptable impact on neighbouring amenity in compliance with policy DDM1 of Arun Local Plan and the NPPF.

ACCESS AND TRANSPORT

The site is currently accessed from Dappers Lane, which is the only access point to the site. This access will be shared with the previously consented care apartments being coordinated as a part of the wider development of the site.

From a design perspective the Council had sought to secure a single point of access on this section of Dapper's Lane as a single point of access serving different development sites is a significantly improvement on two separate access points in close proximity.. It asked the agent for this application and that for the adjoining site to the north A/40/18/OUT to provide a shared access. This has not been achieved. County Highways confirmed that the proposed access associated with A/27/16/PL was acceptable and that the access associated with A/40/18 /OUT had also been safety audited and no

issues were raised concerning the proximity of the junctions.

However, from a design perspective the lack of single access point serving development sites together is a significant negative aspect of the proposals.

Parking spaces will be available near the building entrance with a number of disabled bays closest to the entrance. There will be 27 spaces including 2 disabled spaces with adequate space outside the building for ambulances to park.

There is also the provision of a motor cycle space, and behind this area, adjacent to the entrance is covered cycle storage.

In terms of the proposed parking and associated layout there is no material difference to that proposed by approved A/27/16/PL when County Highways considered it to be acceptable.

The proposal would therefore accord with policy TSP1 of Arun Local Plan and policy HD8 of Angmering Neighbourhood Plan.

ECOLOGY/BIODIVERSITY

The site consisted of residential curtilage with hardstanding, outbuildings and grazing land. The development will significantly alter this landscape introducing new gardens, trees and open space.

An ecology appraisal of the site was carried out by Middlemarch Environmental Limited and concluded that the proposal is unlikely to impact on any protected species and their associated habitat and that no mitigation or further surveys were required. The proposal would therefore accord with policy ENVDM5 of Arun Local Plan.

DRAINAGE AND FLOODING

The applicants submitted a Flood Risk Assessment & Drainage Statement. This confirms the site is in Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate.

The applicants have identified that the proposal will be connected to the main sewer network where capacity exists. It is considered that a suitable surface water, and foul water drainage strategy could be secured through conditions. The Environment Agency and ADC/WSCC Engineers have raised no objection to the proposals subject to conditions.

The proposal is therefore compliant with policy WDM2 of Arun Local Plan which requires that development in flood risk areas is accompanied by a specific Flood Risk Assessment to demonstrate that the development will be safe.

IMPACT ON SOUTH DOWNS NATIONAL PARK

The site is located adjacent to existing, allocated and approved development. The site is opposite residential development on the west side of Dappers Lane and to the north and west is encircled by Angmering North Strategic site allocation which will provide 800 units. It will not therefore appear as an obtrusive or prominent feature in the landscape and would not adversely impact on views into or out of the Park. It would therefore be compliant with policy LAN DM1 of Arun Local Plan.

INFRASTRUCTURE

Policy INF SP1 of the Local Plan requires applicants' to provide the costs of additional infrastructure required to service their development and mitigate their impact. This is usually done through the signing of a legal agreement.

The NPPF sets out the Government's policy on planning obligations in Para's 55 and 56 which advise that legal agreements should only be used where conditions cannot and should meet tests of being necessary, directly related and fairly and reasonably related in terms of scale and kind.

The applicants are progressing a Section 106 Legal Agreement to secure financial contributions which consists of :

- Healthcare contribution (£70,348) for additional healthcare capacity. The Council is awaiting comments from the NHS to confirm what type of project they are requesting this to fund. Committee will be updated on the comment received and advised on whether officers consider their requests to be CIL compliant.
- Fire and rescue contribution (£753) to be used towards the supply and installation of additional community fire link smoke detectors to vulnerable persons homes in West Sussex Fire and Rescue Service Southern Area serving Angmering.
- Libraries contribution (£9,228). To be used towards flexible shelving to enable increased community use at Angmering Library.

The final two contributions are site and use specific so are considered to be compliant with the Community Infrastructure Levy.

The applicant is willing to pay contributions to mitigate against the impact of the development in respect to infrastructure issues such as libraries and health, but following the independent viability assessment carried out it is clear that there is only a total S106 contribution that can be payable of £33,026. Therefore further payments beyond this cannot be viably made.

The contributions have been requested by the relevant regulatory authority and are reasonably related in scale and kind to the development proposed. However, it has been necessary to determine whether the application should be refused on the basis of the lack of contributions.

The NHS have advised that since this not a strategic site, they are conscious that the principle of CIL / S.106 should be followed with regard to proportionate contributions from all developers and are considering whether they are agreeable to the lower contribution levels in this case. At this stage the precise details of the allocation of the monies are being determined, but will be reported to Committee once determined. Further, even though the fire and libraries contributions do not exceed the pooling limits and are CIL compliant it has been decided to allocate all of the contributions towards the NHS on the basis that the perceived demand for this infrastructure is deemed greater.

The pooling for contributions towards The Coppice surgery in Rustington has reached the maximum total as has the limit for healthcare at Angmering Medical Centre. There is one contribution for general health care in Angmering (not at the medical centre) relating to A/27/16/PL (Erection of 53 care apartments on the Broadlees site) designated in Council records as an appropriate pool.

While it is appreciated that there is local concern over the current state of infrastructure provision within the area and the additional pressures further development would have on this, the securing of contributions by means of a Section 106 Legal Agreement is the accepted way of dealing with infrastructure demands. This process has been followed in this case and refusal on these grounds would therefore not be justified. The monies available are limited. As set out above all available contributions would be provided to the NHS by way of a Section 106 Agreement.

AFFORDABLE HOUSING

The preceding section of the report outlines infrastructure contributions required as part of this development all of which have been agreed with the applicants. In so far as an affordable housing contribution, in line with policy AH SP2 of the ALP, is concerned the applicants have submitted a viability

assessment to the Council's Housing Strategy and Enabling Manager who evaluated this viability assessment through the use of external consultants.

He concluded that the Council accepts the overall conclusions of the Council's retained viability consultant, DSP, that affordable housing provision cannot be supported by way of a financial contribution.

The NPPF places significant emphasis on local planning authorities being aware of the difficulties of housing viability and encourages planning decisions that reflect any measured and identified problems. In this context it is considered that the absence of an affordable housing contribution is acceptable.

CONCLUSIONS

It is considered that in accordance with relevant Development Plan policy and other material considerations, there are significant arguments in favour of supporting the development proposed and planning permission is recommended subject to the conditions set out overleaf.

If after two months of the date of the decision the s106 has not been completed and signed delegated authority should be given to the Director of Planning and Economic Regeneration to refuse the application for the reason that:

(1) The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The draft Section 106 Agreement is currently being agreed with the applicant.

Precise details of the allocation of any monies are awaited to ensure they are CIL compliant. The Committee will be updated on this when it meets.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

- o 1877-HIA-04-XX-DR-A-01001 - Site Location Plan
- o 1877-HIA-ZZ-XX-DR-A-01002 - Proposed Site Layout Plan
- o 1877 HIA 04 01 DR A 02001- Proposed Lower Ground Floor Plan
- o 1877 HIA 04 02 DR A 02002 - Proposed Ground Floor Plan
- o 1877 HIA 04 03 DR A 02003 - Proposed First Floor Plan
- o 1877 HIA 04 XX DR A 04002 - Proposed Elevations (Drawing 1 of 2)
- o 1877 HIA 04 XX DR A 04003 - Proposed Elevations (Drawing 2 of 2)
- o 1877 HIA 04 XX DR A 04001- Street Elevations
- o B16005 - 101 G - Landscaping Proposals Plan
- o 3834/01 Rev B - Surface and Foul Water Drainage Strategy
- o 1877-HIA-ZZ-XX-DR-A-0001 - Substation, cycle stands, bin store - Floor Plans and Elevations

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such 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 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 approved drawing 1877-HIA-ZZ-XX-DR-A-01002.

Reason: In the interests of road safety in accordance with policy TSP1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan 1877-HIA-ZZ-XX-DR-A-01002. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of the Arun Local Plan.

- 6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

The Plan shall provide for :

- a. An indicative programme for carrying out the works.
- b. The arrangements for public consultation and 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 since foundation piling is likely to occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors.
- f. Loading and unloading of plant and materials.
- g. Storage of plant and materials used in construction and development.
- h. Wheel washing facilities.
- i. Measures to control the emission of dust and dirt during construction.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy DDM1 of the Arun Local Plan .

- 7 No part of the development shall be occupied until the footway has been extended along Dappers Lane into the development, including where this crosses the highway onto Water Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy DDM1 of the Arun Local Plan.

- 8 Prior to occupation of any of the building, 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 and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently 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.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy DDM1 of the Arun Local Plan.

- 10 No development including site access, or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority. No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy DDM1 of the Local Plan.

- 11 Before the development commences the applicant shall provide an Acoustic Report to demonstrate the way in which services to the proposed accommodation such as any form of mechanical ventilation including air conditioning; laundry and/or kitchen mechanical air handling system impact upon the nearest noise sensitive resident, proposed and existing.

The rating level of the noise emitted from any external plant or equipment associated with this use shall not exceed the existing background noise level by more than 5dB(A). The measurements and assessments shall be made in accordance with BS4142:2014, Methods for Rating and Assessing Industrial and Commercial Sound. The report shall detail how the assessment has been undertaken, the results and mitigation measures required for the development. Any mitigation measures which may prove necessary are to be specified and such a scheme to be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policy QE DM1.

- 12 Deliveries/collection by commercial vehicles shall only be made to or from the site between the hours of 08:00 and 18:00 hours Monday to Friday; 08:00 and 13:00 hours on any Saturday and not at all on any Sunday, Public or Bank Holiday.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

- 13 The use hereby permitted shall not be commenced until equipment to be used to discharge of odour and fumes from the kitchens has been specified and agreed in writing by the Local Planning Authority. The applicant shall have regard to DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005 as updated 2018.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Arun Local Plan policy QE SP1.

- 14 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning

Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

- 15 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater 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.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 16 The development shall not commence until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1 and W DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing

- 17 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 of 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.

- 18 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and

approved, in writing, by the Local Planning Authority:

1. A remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 19 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.

- 20 Upon completed construction of the surface water drainage system but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason : To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with polices W DM1, W DM2 and W DM3 of the Arun Local Plan.

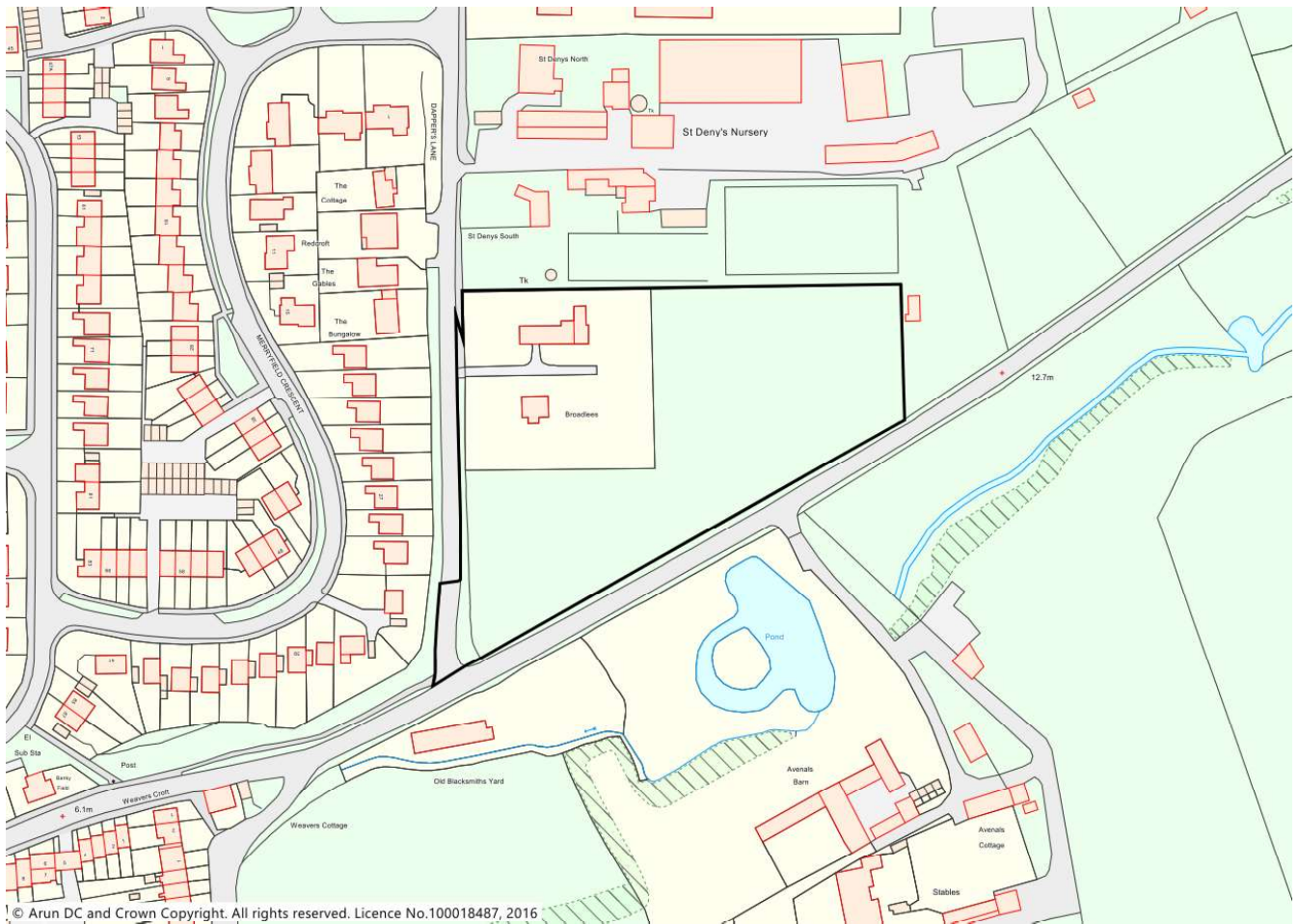
- 21 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason : 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, in accordance with Policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 22 **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.
- 23 **INFORMATIVE:** This permission grants permission for foul water drainage to be disposed via the mains sewer system and does not grant consent for an on site foul pumping station.
- 24 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 25 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 26 **INFORMATIVE:** The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 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.
- 27 **INFORMATIVE:** ADC's Economic Development Department advise that the developer signs the Developer and Partner Charter and produces a suitable Skills and Employment Plan for the development.
- 28 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 29 **INFORMATIVE:** The premises will require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact the Environmental Health Department for further information Tel 01903 737755, E mail Food.Safety@Arun.gov.uk

A/114/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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