

PLANNING APPLICATION REPORT

REF NO:	BN/58/23/PL
LOCATION:	Land rear of Clare Court 67 Barnham Road Eastergate PO22 0EP
PROPOSAL:	Erection of 4 No detached houses with covered and open resident and visitor parking, using existing access to Clare Court from Barnham Road including provision of new hard and soft landscaping, foul and surface water drainage systems and other works (resubmission following BN/16/22/PL). This application is in CIL Zone 2 and is CIL Liable as new dwellings.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The application seeks to construct 4 dwellings with landscaping and parking spaces as an alternative to that approved by BN/16/22/PL which permitted two pairs of semi-detached 3 bedroom houses. This application is for a revised proposal to develop the site with four detached 3 bedroom houses.</p> <p>The development would be served from the existing access to Clare Court from Barnham Road. Dedicated covered and driveway parking is shown to the side of Unit 1 and covered and open courtyard parking is provided for Units 2-4. Visitor parking is shown, together with sheds for secure cycle storage in the rear gardens.</p> <p>Each house has a rear garden of between 13m and 14m in depth, with an open landscaped area of between 6m and 8m in depth to their front; 25m separates the front elevations of the houses from the rear elevation of Clare Court.</p>
TREES	There are 2 Oak trees to the rear boundary which are subject to a Tree Preservation Order.
BOUNDARY TREATMENT	The site has hedging and fencing of around 1.7m height along the side and rear boundaries. There is fencing in place to separate the site from the rear amenity area at Clare Court around 1m in height.
SITE CHARACTERISTICS	The site is a vacant piece of land to the rear of a detached 2-3 storey property 'Clare Court' which contains 8 flats. There is an enclosed amenity space for the occupiers of Clare Court to the rear and an area to the front for parking. There are some trees along the rear boundary.
CHARACTER OF LOCALITY	The site is to the rear of a residential road of mixed character with detached and semi detached properties of 1 and 2

storeys set in medium to large plots. These are predominately set back from the highway with gardens to front and rear.

## RELEVANT SITE HISTORY

BN/16/22/PL          Erection of 4 No dwellings with associated car parking.          ApproveConditionally  
This application is in CIL Zone 2 and is CIL Liable as new 24-06-22 dwellings.

A proposal for a single dwelling in the same location was refused in 2005.

## REPRESENTATIONS

Barnham and Eastergate Parish Council object on the basis that the development is not allocated in the new made BEPC Neighbourhood Plan and is contrary to plan policy.

2 objections:

- Concern previous submission was approved and to repeat previous objections (other than bin storage arrangements).
- Neighbouring occupiers sit at a lower level. This has not been taken into account, and neighbours would be impacted through surface water drainage.
- The access is not suitable for more dwellings.
- The proposal would remove grassland from the area.

1 no objection which raises the following point:

- The access road to the development will take away 2 parking spaces used by Clare Court residents, thus leaving 6 spaces for 8 flats. The developer could extend the current parking area at the front of Clare Court avoiding the need for residents to park in the main road outside, and therefore creating blind spots for vehicles entering the main road from the Clare Court entrance.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - no objection subject to the imposition of conditions.

Ecology - no objection subject to the imposition of conditions.

Arun Drainage Engineer - no objection subject to the imposition of conditions.

West Sussex County Council Highways (LHA) - no objection subject to the imposition of conditions.

Southern Water - advise that a formal application for connection to the public foul sewer would be required.

West Sussex County Council lead Flood Authority - no objection.

South Downs National Park Authority - have no comment to make on the submission.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Pre-commencement conditions have been agreed with the agent.

**POLICY CONTEXT**

Built up area boundary  
Lidsey Treatment Catchment  
Area of Character  
TPO

**DEVELOPMENT PLAN POLICIES**[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

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

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The revised Barnham and Eastergate Neighbourhood Development Plan (B&ENP) was made on 09/03/22 and its policies are referred to in this report.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

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

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

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

## **CONCLUSIONS**

### **PRINCIPLE**

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering issues such as visual/residential amenity, highway safety, parking and biodiversity.

Barnham and Eastergate have a made Neighbourhood Plan. Policy H2 (Windfall sites), ES5 (Quality of Design), ES7 (Non-Designated Assets), ES10 (Trees and Hedgerows), ES16 (Dark Skies), GA4 (Parking) are relevant to the application.

The NPPF gives a presumption in favour of sustainable development and generally seeks to promote the effective use of all land. NPPF paragraph 124 (d) states planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay.

As previously concluded in consideration of BN/16/22/PL and on the above basis, the principle of the proposal is acceptable.

#### **DESIGN AND VISUAL AMENITY**

Arun Local Plan policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale and trees. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Policy D SP1 of the Arun Local Plan requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Para 130 of the NPPF details the design requirements for new developments, including that developments should function well, are visually attractive and sympathetic to local character and history, have an appropriate mix of development including green and public space and create places that are safe, inclusive and accessible.

The permitted scheme showed 2 pairs of semi detached dwellings whereas this proposal is for 4 detached dwellings. The revised scheme shows the dwellings on predominantly the same footprint as those approved although slightly closer to the side boundaries, but with a greater degree of spatial quality between the buildings.

The proposal remains to the rear garden of Clare Court and represents a form of backland development. As previously considered, although such development is generally not in character with the form of development, there is an example of similar development at No 97 and clearly the pattern has already been accepted in the recent approval.

The development would be partially visible from the street scene, with plot 1 to the rear of the access road although this would be set back 53m from the highway.

Although different to those approved, the houses remain of a traditional design with front detailing to the porches and front window areas, and arched courses over doors and windows. Material details can be controlled by condition. There is planting to the frontages which provide soft screening. This can be improved upon through the requirement for landscaping details by condition.

The area has a mixed appearance and the design continues to be appropriate to its setting and reflective of those in the local area.

The Arun Design Guide seeks to raise design standards. Section P relates to infill and backland development and states that it should emulate the established pattern of building height, scale, plot, be in harmony with the prevailing character, building pattern and architectural style of the area, and be developed in a site that is large enough to accommodate proposed uses and vehicular access, parking and turning, while retaining gardens and open spaces of an adequate size. The scale of the development and size of the site would comply with these requirements.

Policy ES5 of the NP states 'New residential developments must be of high quality design, Integrate with the local landscape and built environment; contribute to and conserve the features which contribute to the distinctive character'. The development complies with these requirements.

The sympathetic design, layout, appearance and scale of the development will not result in harm to the

character and appearance of the locality. The proposal complies with the relevant design policies D SP1 and D DM1 of the Local Plan, the NPPF and the Arun Design Guide and ES5 of the NP.

#### RESIDENTIAL AMENITY

Policy D DM1 of the Arun Local Plan requires new development to have minimal impact on users and occupiers of nearby property and land by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy QE SP1 states the Council requires development to contribute positively to the quality of the environment and to ensure that development does not have a significantly negative impact upon residential amenity.

The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

The principal elevations of the dwellings retain approximately 19m to the rear boundary fence of the amenity space serving Clare Court. A minimum of approximately 26m is retained to rear facing habitable windows. Although views would be available of the development from Clare Court and both neighbouring dwellings at 65 and 71, due to the separation - which comply with the interface distances specified in the Design Guide - the dwellings will not result in adverse overbearing, overshadowing or overlooking.

To the rear is St Philip Howard Church School. As per the approved scheme, the dwellings will not result in adverse overshadowing or overbearing impact upon it.

There is sufficient separation between the first floor windows of the dwellings and those to the rear of Clare Court such that overlooking would not be significant. There is hedging, gardens, driveways and the access way in between which further intercepts views at ground floor level. Distances between the proposed dwellings and neighbouring uses are comparable with those of the approved scheme and as such, the principle of the interface has already been accepted.

The dwellings utilise the existing access to the northern side and this will be extended to the rear of the site, running along the side elevation of Clare Court and along the rear of the fenced amenity space to a parking court area and the parking barn. There would be an intensification of vehicle movements in this location which will result in some noise and disturbance. The new access will be used by occupiers of the dwellings which given the level of parking could mean up to 8 new cars entering and leaving the site. The impact would remain the same as that already considered acceptable and the Highways Authority remains satisfied with the findings of the trip rate assessment. The number of movements would not give rise to a material adverse effect on the living conditions of adjacent occupiers.

The amenity area for Clare Court will be retained and the residents will not suffer a loss of communal garden. The site area remains the same as that previously approved.

The development provides suitable separation distances between properties and does not result in a significant impact upon neighbouring amenity by way of overbearing, overshadowing or overlooking in accordance with D DM1, QE SP1, QE DM1 of the Arun Local Plan and the Arun Design Guide.

#### SPACE STANDARDS

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be

of an appropriate size and that the Nationally Described Space Standards apply.

National guidance advises the following minimum Gross Internal Area (GIA) standards apply for a 2 storey, 3 bed home:-

4p 84  
5p 93  
6p 102

The gross internal area of each property will be 120sqm. This would comply with the guidance.

Policy H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The gardens are an acceptable size and exceed the guidance. There is some limited amenity space to the front. The proposal complies with D DM2 of the Plan.

#### **PARKING**

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. Arun District Council adopted its own Parking Standards SPD in Jan 2020.

Regard should be had to para 111 of the NPPF which states 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Vehicular access is achieved via an existing access to Barnham Road and then along a 4.8m wide internal access driveway. This is wide enough to facilitate passing of two vehicles, and the passing of a vehicle sharing the space with pedestrians.

The ADC Parking Standards for a 3 bed property in this location (Parking Behaviour Zone 2) requires an expected level of 2 car parking spaces on site. Each 3-bed dwelling should be afforded 2 car parking spaces, 8 in total. A 20% ratio is applied to account for visitor parking, so an additional 1.6 spaces.

Consistent with the existing planning permission, two car parking spaces will be provided for each dwelling, as well as one electric charging point per house. Two cycle parking spaces will also be provided per dwelling in accordance with WSCC Guidance in the form of secure, covered storage. Two visitor spaces are also provided on site. The number of spaces therefore complies with the standards.

Compared with the approved scheme, the site layout has been revised and updated to reflect a change in servicing and emergency access. A bin collection point is shown at a distance of 25m from the access, to enable servicing to be undertaken from Barnham Road, consistent with the observed arrangements for other properties situated on Barnham Road.

Policy GA4 of the Barnham & Eastergate Neighbourhood Plan (B&ENP) states 'Development proposals will be supported only if they include the maximum level of off-street parking consistent with the most current standards'. The scheme complies with this.

The proposal complies with T SP1 of the Arun Local Plan and GA4 of the B&ENP.

#### **DRAINAGE**

The site falls in Flood Zone 1 and is at low risk of flooding although it does fall in the Lidsey Wastewater



Treatment Works Catchment Area.

ALP policy W DM1 states that although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment.

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

The applicant submitted a drainage report which suggests surface water will be drained via permeable paving. The Council Drainage Engineer has not objected but advised that the submitted drainage strategy and associated drawings do not meet Arun's detailed design requirements and has requested the imposition of a condition requiring further detail to be submitted.

Concerns have been raised from 2 nearby occupiers about surface water drainage. In the light of no objections from either the Drainage Engineer or West Sussex County Council as the lead Flood Authority, there are no grounds for refusal on this basis.

Subject to conditions, the development would be adequately drained and would not increase flood risk elsewhere, in accordance with relevant policies of the Arun Local Plan.

#### AREA OF CHARACTER (AOC)

The site is located in an Area of Character.

The description states that the area consists of a variety of substantial buildings of various styles, predominantly two storeys which are set back from the road within large individual plots. Trees and hedges are important in the street scene.

Due to the location of the development to the back of the site, the properties are well screened by Clare Court so the development will not be a dominant feature in the street scene, with only 1 of the dwellings partially visible from the roadside.

The design of the dwellings is sympathetic to the local area and appropriate to the setting, incorporating features such as arched courses over the doors, detailing to porches and the inclusion of chimneys reflecting detailing found in the vicinity.

The approved scheme showed a 70m hedge along the site's western and northern boundaries. This was considered to support biodiversity and assist with making a positive contribution to the AOC (which notes that hedges are important for creating character to the area). Whilst this proposal does not show this feature, a condition can be imposed requiring landscaping details to be submitted. These would need to show additional soft landscaping to soften the appearance of the plot within the area of character.

Owing to its siting and design, the proposal would not result in significant harm upon the AOC in accordance with HER DM4 and ES7 of the NP and the impact is acceptable under NPPF paragraph 203 when considering non-designated heritage assets.

#### DARK SKIES

Policy ES16 of the B&ENP states 'Development proposals which detract from the unlit environments of the Parish will not be supported'. The properties will introduce additional light to an area that is unlit. The site is to the rear of a residential street where light is present and its impact would not be significant upon the dark sky. The permission can be conditioned so that details of external lighting need to be submitted so that the levels of illumination, height and position can be assessed. As per the approved scheme, this



will ensure compliance with ES16 of the B&ENP.

#### **TREES**

ALP policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

The tree officer has been consulted although no response was received.

Some trees were removed prior to the application. These trees were not protected and did not fall in a Conservation Area and their removal did not require permission. Following notification of this, a TPO was made to protect 2 Oaks to the southern rear corner of the site.

An Arboricultural Report has been submitted and states the proposed dwellings, associated infrastructure and hard surfacing will not encroach within the root protection areas of any of the retained trees however the proposed cycle stores/sheds for units 2, 3 and 4 will sit partially or entirely within the root protection areas of T1 to T4 inclusive. Additionally, the activity required to construct the proposed development (vehicular movement, storage of materials, soft landscaping etc.) may encroach within the root protection area of T1 to T4 inclusive if they not properly safeguarded during the construction activity.

It will be necessary, prior to the commencement of any construction activity, for an Arboricultural Method Statement to be provided which details the measures that will be undertaken to protect the trees, in addition to a Tree Protection Plan in order to safeguard the retained trees.

Subject to conditions, and as per the approved scheme, the proposal accords with ENV DM4 of the Plan and ES10 of the B&ENP.

#### **BIODIVERSITY**

Arun Local Plan policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Section E.03 of the ADC Design SPD seeks to protect and enhance biodiversity in the development site and the wider area.

Subject to the submission of ecology survey information, the Councils ecologist has raised no objection to the proposal subject to the imposition of conditions to minimise impact and provide for a net biodiversity gain.

Subject to condition, the proposal would comply with ENV DM5 and ES16 of the B&ENP.

#### **CLIMATE CHANGE**

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. The Design and Access Statement includes details of energy efficiency measures that will be included such as solar gains controlled through Low E glazing, 100% low energy/LED lighting, solar panels on west facing roof slopes to supply a renewable energy source to each dwelling.

It is necessary to impose a condition to secure the precise details of these. This will ensure compliance

with the policies.

#### SUMMARY

This proposal represents an appropriate redevelopment of land and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers.

The development accords with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives. It is also in accordance with paragraph 11(c) of the NPPF.

#### HUMAN RIGHTS ACT

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

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

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

#### CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (depending on any exemptions or relief that may apply)

#### RECOMMENDATION

##### APPROVE CONDITIONALLY

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

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

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

Block and Location Plan 1.01  
Plot 1 Elevations 2.03 Rev A  
Plot 3 and 4 Elevations 2.05 Rev A  
Plot 2 Elevations 2.04 Rev A  
Engineering Details Longitudinal Sections 503-01 Rev A  
Street Elevation 2.07  
Floor Plans 2.02  
Proposed Site Plan 2.01  
Cycle Store 2.08  
Car Barn 2.06  
Tree Survey and Arb Impact Assessment 21/06/134/NH dated March 2023 as V2.0.  
Transport technical Note DS/LJ/ITB18636-001 dated 9 March 2023.  
Noise Impact Assessment 12873.230123.R1 dated 31 January 2023.  
Preliminary Ecological Appraisal dated 14.3.23  
Preliminary Ecological Appraisal dated 28 January 2022  
Reptile Survey and Provisional Mitigation Plan 19.5.22  
Walkover Site Visit Notes dated 8 June 2023  
Emails between applicant Ecologist and LPA Ecologist - 13 May 2022 and 20 February 2023 .

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

- 3 Prior to the commencement of development, plans and details showing the site set up during the period of construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall include details of all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of the development. The approved details shall be implemented prior to the commencement of development and retained throughout the period of construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with D DM1 of the Arun Local Plan.

- 4 Prior to commencement of any construction activity on site, an Arboricultural Method Statement (AMS) and a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed on site shall be submitted and approved by the Local Planning Authority. Construction shall be in accordance with the plan.

Reasons: To ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground in accordance with ENV DM4 of the Arun Local Plan.

- 5 Noise mitigation measures as detailed in section 8.1 and 8.3 of the Acoustic Report submitted by Clarke Saunders Acoustics, Ref: 12873.230123.R1 entitled Noise Impact Assessment, Land to the rear of Clare Court, 67 Barnham Road, Eastergate dated 31/01/23 shall be adhered to.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This needs to be pre-commencement to ensure the building will not be adversely affected by external noise levels.

- 6 Prior to the commencement of the development, details showing the location of one (1) fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue

Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. The details so approved shall be installed prior to first occupation of any of the dwellings and retained in perpetuity.

Reasons: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004. This is required to be a pre-commencement condition because it is necessary for the equipment to be available prior to commencing of building works.

- 7 No development above damp proof course (DPC) level shall take place unless and until details of hard and soft landscaping, including site boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the dwellings. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the 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 and to protect the amenity of local residents in accordance with policy D DM1, ENV DM4 and QE DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until such time as the pedestrian access serving the development has been constructed in accordance with the details shown on the drawing titled ' Pedestrian Visibility Splays - 121.0008.003 contained in Appendix B of the Transport Technical Note ref. DS/LJ/ITB18636-001 dated 9 March 2023.

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

- 9 No part of the development shall be first occupied until the car/cycle parking has been constructed in accordance with the approved site plan (2.01), cycle storage plan (2.08) and car barn plan (2.06). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with T SP1 of the Arun Local Plan.

- 10 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on plan ref. 121.0008.002 contained in Appendix A of the Transport Technical Note ref. DS/LJ/ITB18636-001 dated 9 March 2023.

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

- 11 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for the external walls and roofs of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The approved materials and finishes shall be used in the construction of the dwellings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity, heritage and local character in accordance with policies D DM1 of the Arun Local Plan.

12 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

13 The development shall not be occupied until the works for the pedestrian crossing have been fully implemented in accordance with the details as shown on plan ref. 121.0008.003 contained within Appendix B of the Transport Technical Note ref. DS/LJ/ITB18636-001 dated 9 March 2023.

Reason: In the interests of road safety and accessibility in accordance with policies T SP1 and T DM1 of the Arun Local Plan and the NPPF.

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

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

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

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

16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Reptile Survey and Provision Mitigation Plan (GPM Ecology, May 2022) and Preliminary Ecological Appraisal dated 28 January 2022 and its update dated 14 March 2023; the Walkover Site Visit Notes dated 8 June 2023 and emails between the applicant Ecologist and the Local Planning Authority Ecologist dated 13 May 2022 and 20 February 2023, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local

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

17 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include details of the following:

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

The approved CEMP: Biodiversity shall be implemented prior to the commencement of development and adhered to throughout the period of construction, unless otherwise agreed in writing by the Local Planning Authority.

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

18 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

19 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

20 If during development, any visible contaminated or odorous material, (for example, asbestos



containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 21 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches and dormer windows) to the dwellings shall be constructed and no buildings shall be erected within the dwellings' curtilages.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 22 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 23 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policies ECC SP1 and W DM1 of the Arun Local Plan.

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



- 25        INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://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>.
- 26        INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).
- Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.
- Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.
- 27        INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 28        INFORMATIVE: The pedestrian crossing improvements are likely to require a s278 Agreement with WSCC.

## **BACKGROUND PAPERS**

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**BN/58/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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