

PLANNING APPLICATION REPORT

REF NO: A/122/23/PL

LOCATION: Land North of Mayflower Way
Angmering

PROPOSAL: Erection of 1 no. dwelling with associated access, parking, fencing and landscaping. This application is in CIL Zone 2 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct 1 No. 1.5 storey dwelling with associated access, parking, fencing and landscaping.
SITE AREA	Approx. 543sqm.
RESIDENTIAL DEVELOPMENT DENSITY	15 dwellings per Hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A small group of low amenity unprotected trees to the South-east of the plot.
BOUNDARY TREATMENT	Excluding the access road (Speedwell Chase), the site is enclosed by close boarded fencing approx. 1.8m high along the West and North edges of the site, as well as chain-link fencing and gates to the East.
SITE CHARACTERISTICS	A section of vacant land running sandwiched between a recent housing development to the West and Roundstone car centre to the East. North of the car centre is Roundstone Boarding Kennels and Cattery.
CHARACTER OF LOCALITY	The site is located on the North side of Mayflower Way which lies to the West of Roundstone Lane and North of the A259. Mixed residential and industrial. There are new housing developments to the North and West, a busy car sales and workshop to the East. There are also recreational greenspace fields to the West.

A/144/22/PL - This was a previously refused scheme on this site and an adjoining site to the South, for 3 No. new two storey dwellings. It was refused on the following grounds:

- Detriment to the character and amenities of the neighbouring area by failing to be subservient to existing properties or maximise the outlook of neighbours
- Unsatisfactory relationship with the occupants of the existing houses to the southwest and northwest, particularly from inter and overlooking of their rear elevations and rear gardens resulting in a detrimental loss of privacy and amenity.
- Activity and disturbance generated by use of the access way and parking adjacent to neighbour dwellings being detrimental to the amenity of neighbours.
- The applicant had not adequately demonstrated that future occupants would be adequately protected from noise from the nearby commercial dog kennels.

This application seeks to address these reasons for refusal.

A/73/19/PL - This was an application approved for a large workshop in the commercial site to the East of this plot. This permission has now lapsed and no building works or indication of commencement were apparent upon the site visit for this application.

REPRESENTATIONS

Angmering Parish Council - Objection:

- The application does not address the previous reasons for refusal.
- This proposal is still overdevelopment, overbearing, and will cause harm to the surrounding neighbourhood.

14 No. Objections from nearby occupiers:

- Concerns of surface water drainage schemes being needed.
- Concerns of access rights/ownership.
- Concerns of dangers during construction.
- Concerns of damage to roads by construction vehicles.
- Concerns of overshadowing.
- Concerns of overlooking.
- Loss of value to homes.
- Concerns of construction pollution.
- Concerns of Knotweed.
- Concerns regarding rights of way and access during construction.
- Detrimental to the character of the area.
- Concerns of disturbance during construction.
- Noting it does little to contribute to housing needs.
- Concerns of biodiversity.
- Noting the removal of some trees.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. All matters relevant to planning are considered in the conclusions section below. It is noted that loss of house value, land ownership, access rights, and the potential for damage to be caused by developers/third parties during the construction phase are not material planning considerations to which weight can be afforded.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Advice:

- Conditions requested regarding a Construction Management Plan, construction hours, lighting details, contamination, EV charging points, noise levels, and other informatives.

Further advice from Environmental Health advised that the noise level conditions originally requested should not be attached, but instead, a post completion noise testing condition be attached to ensure the acoustic assumptions made within the submitted acoustic assessment are achieved.

Drainage Engineers - No objection:

- Whilst the applicant has supplied a Drainage Statement this does not meet our design requirements to

avoid conditions being applied to the permission.

- Condition regarding Surface Water Drainage and preventing flood risk elsewhere requested.
- It is acknowledged that we would not normally consult or request conditions for a single dwelling outside of the Lidsey Treatment Catchment. However, it is noted that this application coincides with another at the neighbouring site, 'Land North of Mayflower Way' (ref A/121/23/PL) made by the same applicant. On this basis, both sites are being considered as a two-dwelling application with the standard level of scrutiny for applications of that scale.

WSCC Highways - No objection:

- The proposed development is not anticipated to give rise to a significant material intensification of use of the existing access point.
- The proposed amount of parking is sufficient in line with the Arun Parking Standards.
- Secure cycle parking is proposed in accordance with Arun Parking Standards.

Conclusion - The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

- Conditions regarding cycle parking and car parking requested.

Ecologist Advisor - No objection:

- The Preliminary Ecological Appraisal and we are satisfied that there is sufficient ecological information available for determination of this application.
- With appropriate mitigation measures secured, the development can be made acceptable.
- The mitigation measures proposed within the Preliminary Ecological Appraisal should be secured by way of condition.
- The biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should also be secured by a condition. It is recommended that this also includes provision of integrated bat and bird boxes, Hedgehog friendly fencing, Invertebrate hotels, and native species rich hedgerow planting.
- Impacts will be minimised such that the proposal is acceptable, subject to the recommended conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Slightly conflicting responses regarding acoustics have been received from Environmental Health on this site and the adjacent site to the North (currently being considered under A/121/23/PL). Further advice was sought from Environmental Health in relation to this. Subsequently, a condition regarding a post completion noise assessment was requested.

POLICY CONTEXT

Designation applicable to site:
Built-up Area Boundary.
Prone to Groundwater Flooding.
Allocated Housing Site in the Neighbourhood Plan.

DEVELOPMENT PLAN POLICIES

Arun 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
ENVDM5	ENV DM5 Development and biodiversity
QEDM4	QE DM4 Contaminated Land
SDSP2	SD SP2 Built-up Area Boundary
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

- Angmering Neighbourhood Plan 2014 POLICY HA2 Field in Mayflower Way
- Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary
- Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation
- 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

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 2011 - 2031, 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.

All relevant policies from the Angmering Neighbourhood Development Plan have also been considered.

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 complies with relevant Development Plan policies in that it constitutes an acceptable infill development that does not compromise the visual amenity or character of the area, or have any significantly adverse impacts on neighbouring amenity.

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

The proposal would contribute, albeit to a limited degree, to the housing stock in the District. There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key development plan policy considerations for this proposal are SD SP2 (Built-up Area Boundaries), D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), W DM3 (Sustainable Urban Drainage Systems), QE DM1 (Noise Pollution), QE DM4 (Contaminated Land), QE SP1 (Quality of the environment), ENV DM4 (Protection of trees), and ENV DM5 (Development and Biodiversity) of the Arun Local Plan (ALP).

Angmering has made a Neighbourhood Plan (ANP) of which policies HD1, HD2, HD4, HD5, HD6, HD7, HD8 & HA2 are the most relevant.

Policies HD2 & HA1 identifies this area for residential development (66 No. dwellings minimum). Whilst the wider site is being, and has already been, developed under application references AB/46/19/PL & A/64/21/PL, these applications have, and will provide 64 No. units. This section of the site remains vacant land and the proposal would provide an additional unit toward the 66 total. These policies are relevant as they set the context of the site which has been identified as a residential development opportunity.

The site benefits from being within the Built-Up Area Boundary where the principle of residential redevelopment is acceptable subject to the consideration of other relevant policies within the Arun Local Plan. Being sited within the Built-Up Area Boundary means that the proposal complies with policies SD SP2 of the ALP and Policy HD1 of the Angmering Neighbourhood Development Plan.

The Arun Design Guide (ADG), Section P (infill development) in particular, is also of relevance. This Guidance seeks to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

CHARACTER & DESIGN

Policy D DM1 of the ALP requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of character and appearance. The recommendations set out by Section P of the ADG as noted in the principle section above provides additional context for this

assessment.

Policies HD4, HD5, HD6 & HD7 of the ANP support development proposals provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The proposed dwelling is a 1.5 storey unit with half-hipped roofs, forward gable end projection, 1 No. small front dormer and 2 No. small rear dormers. The dwelling would feature facing brickwork, uPVC fenestrations, roof tiles, and tile hanging at first-floor level. The building occupies approx. 100sqm of a 540sqm plot that boasts a private rear amenity space and front driveway with car port and planting. The density of this plot is acceptable relative to its locality.

Being of 1.5 storeys, the proposed dwelling is of a lower scale than houses to the West which this proposal would appear related to by virtue of its siting. Many of the units within the Speedwell Chase development feature forward gable projections and small front dormers at first floor. The materials proposed are typical for the locality as are close boarded fences which are proposed for the boundary treatment. The architectural features and materials are reflective of the locality and would not appear inharmonious. The lower height of the unit would result in the dwelling contrasting the surrounding two storey houses including the dwellings immediately adjacent on Mayflower Way. However, the dwelling would retain a clear visual relationship with the Speedwell Chase development, when taken as a whole, by virtue of some of its architectural features and its materials. Additionally, the unit is set back from Mayflower way by approx. 25m, reducing its visual prominence within the street.

It is noted that the inclusion of half-hipped roof features to the East and West ends of the ridge were an amendment made during the lifetime of the application. The use of half-hips is supported by policy HD6 of the ANP and whilst this feature is not reflected within Speedwell Chase, it is not such a drastic visual change that would make the dwelling appear incongruous with the locality.

The dwelling does not follow established forward building line front line of the dwellings to the Southeast along Mayflower Way. However, owing to the irregular shape of the plot, constructing a dwelling of an appropriate design would not be achievable alongside No. 2 Mayflower Way and it is set back such a way from this row of dwellings, that it would not read as part of this row of dwellings.

This is a form of gap infill development, and it is subject to the guidance of Section P of the Arun Design Guide. By virtue of remaining 1.5 storeys in height and appropriate separation distances, the design has clearly sought to minimise the impact on neighbouring units whilst providing a scale and design that does not appear incongruous with the dwellings to the West.

The proposed bin store would consist of facing brickwork and wooden doors, is appropriately sited, and minor in scale. This too would have no significant adverse impact on the visual amenity of the locality.

The proposal is in accordance with policies D SP1 & D DM1 of the ALP, and policies HD4, HD5, HD6 & HD7 of the ANP.

RESIDENTIAL AMENITY

Policies D DM1(3) & QE SP1 of the ALP indicate that development will be permitted if it does not result in significantly adverse impacts on residential amenity, land, use or property, and requires development to contribute positively to its environment.

Section H.04 of the ADG states that amenity spaces should be a minimum of 10.5m deep but smaller gardens with adequate daylight and privacy may also be acceptable when justified. It also sets out

minimum separation distances between dwellings which includes 21m back-to-back and 14m back-to-front/side. These minimum separation distances are relevant for two storey dwellings as illustrated within the ADG and so remain appropriate for use in the context of a 1.5 storey dwelling.

The proposed dwelling retains a back-to-front separation distance from the dwelling to the South (No. 2) of approx. 9m. Whilst this is significantly lower than the minimum of 14m, the North to South relationship between these dwellings are such that they do not overlap and it, therefore, remains acceptable. The overlap of the West elevation of the proposed dwelling and the rear gardens of Nos. 2 & 4 Speedwell Chase is a primary point of concern. The rear-to-side separation between the proposed dwelling and the rear elevations of these units is 14.1m. It is accepted that there will be some impact by way of overshadowing and overbearing on these units however, this separation is greater than that of the minimum required and there is no breach of the 25-degree light accessibility rule owed to the height of the proposed dwelling. The inclusion of half-hipped roof ends was an alteration made during the course of this application and it was made in order to reduce the prominence of the ridgeline when viewed from the rear of the East neighbour dwellings. Whilst this alteration does not remove all impacts of amenity, it will have gone some way to reduce any impacts of overbearing and overshadowing. The rear-to-side relationship of the proposed and existing units remain acceptable.

Whilst not an existing dwelling, the proposed dwelling to the North under app ref: A/121/23/PL (if approved) would retain a rear-to-rear separation from the proposed dwelling of approx. 23m which is also acceptable. By virtue of acceptable separation distances, scale, and siting of the proposed dwelling, the proposal retains an acceptable relationship with neighbouring dwellings. Whilst it is accepted there would be some adverse impact on neighbouring amenity, the proposed dwelling would not have any significantly adverse impacts by way of overshadowing or overbearing on neighbouring units. Additionally, when compared to existing spatial relationships within the development to the West such as those of No. 6 Mayflower Way and No. 2 Speedwell Chase, No. 12 Mayflower Way and No. 1 Speedwell Chase, and Nos. 9 and 5 Speedwell Chase, it is clear that the spatial relationship of the proposed dwelling is of an acceptable standard and is not incoherent with the established spatial pattern of the vicinity.

With regards to privacy, there are no side facing windows proposed and so the privacy of neighbours to the West would be preserved. The 2 No. first-floor rear facing dormers would look out to the rear amenity space which is of an appropriate 11.5m depth in accordance with Section H of the ADG and would preserve neighbouring amenity. The 2 No. front facing first-floor windows serve bathrooms. As such, they are to be conditioned to be obscure glazed and non-opening up to a minimum height of 1.7m from finished floor level.

The proposal minimises its impact on neighbouring residents and is in accordance with policies QE SP1 & D DM1(3) of the ALP and Section H & P of the ADG.

INTERNAL SPACE STANDARDS

The proposed dwelling has three bedrooms with six bed spaces. The gross internal floor space is far greater than that of the 102sqm minimum for a two-storey dwelling with this capacity and the proposed section drawing identifies floor to ceiling heights of more than or equal to 2.3m throughout the property. The dwelling also features an appropriate rear and front amenity spaces in excess of the standards identified by Section H of the Arun Design Guide.

The proposed dwelling is, therefore, compliant with policy D DM2 and Section H of the Arun Design Guide.

QUALITY OF THE ENVIRONMENT & NOISE

Policy QE SP1 of the ALP requires development not to have significantly negative impact on residential amenity, and policy QE DM1 of the ALP states that noise sensitive development will not normally be permitted where it is likely to experience high levels of noise throughout the night, and/or where there is a likelihood of complaints about noise from industrial development so as to safeguard the continued use of existing industrial and commercial uses and to protect amenity.

Environmental Health have not raised any objection to this proposal but have requested conditions regarding construction hours, a Construction Management Plan, a lighting scheme, EV charging, noise levels, and contamination on the site.

Construction Management Plans are not necessary for minor developments such as this therefore, this will not be added. An informative has been added regarding the guidance for minor developments which seeks to minimise the environmental impacts of such works on the local community. This is meant to guide developers in such a way that aims to prevent statutory nuisance complaints during the development process.

No external lighting is proposed within this application. Outdoor lighting is covered by separate legislation, and it is not necessary to seek additional control by way of planning conditions.

The proposed dwelling is within proximity to commercial/industrial uses. Of particular note is the Kennels and Cattery to the Northeast. Inadequate consideration of the proximity to the Kennels and Cattery was a reason for refusal under the previous application on this site in line with Environmental Health guidance. The previous Officer's Report identifies that this was primarily a concern for the dwellings in the North of the site, not to the South as proposed under this application. It is noted that multiple dwellings in Speedwell Chase and No. 1 Platinum Way (currently under construction) are in closer proximity to the Kennels and Cattery than the proposed dwelling and so it has previously been considered acceptable, in planning terms, dwellings to be built within a closer proximity to the Kennels and Cattery.

The applicant has submitted an updated acoustic assessment for consideration under this application and Environmental Health have not raised any concerns in respects to this. They have requested a condition for acoustic testing to be undertaken following the completion of the site to ensure the acoustic assumptions made within the submitted acoustic assessment are met. A condition to this effect would not be enforceable and so does not meet the test of a necessary condition. As the principle and viability of the acoustics assessment has been considered acceptable by Environmental Health, it has been included as one of the approved documents for the development to be built in accordance with.

The proposal is in accordance with policies QE DM1 & QE SP1 of the ALP.

TREES & BIODIVERSITY

Policy ENV DM5 requires development seek to achieve a net gain in biodiversity and protect existing habitats on site.

Policy ENV DM4 requires the consideration of all trees particularly those of local amenity and protected trees. Those to the Southeast of the site are of little amenity value and are not protected. Their removal is acceptable, and it is noted that the plans include the planting of hedging and small trees to compensate for their loss. The proposal is in accordance with policy ENV DM4 of the ALP.

Currently, the site is overgrown with small shrubs. The submitted ecological assessment has been reviewed by the Local Planning Authority's ecological advisor and is sufficient. The ecologist has raised no objections to the submitted assessment and requested that conditions be attached to ensure

biodiversity mitigation and enhancement measures are secured. This will allow the development to reach a biodiversity net gain in accordance with Policy ENV DM5 of the ALP.

PARKING & ACCESS

Policy T SP1 of the ALP requires new development to be well integrated with existing transport networks, promote non-motor vehicle transport such as cycling, and to be in accordance with the Arun Parking Standards. Policy HD8 also requires proposals to be in accordance with the WSCC parking standards (which are in this instance, equivalent to that of the WSCC Parking Standards for the purposes of this assessment).

The proposed dwelling would be well integrated with the existing highways network and is near cycle and pedestrian networks. It is also within a reasonable walking distance from the Angmering Train Station.

The host dwelling would provide 2 No. vehicle parking spaces and secure and sheltered cycle storage in accordance with the Arun Parking Standards. The Arun Parking Standards and policy T SP1 requires the provision of Electric Vehicle charging points. A condition has been attached to this decision to require the provision of charging points in accordance with the Arun Parking Standards SPD.

There is no unacceptable impact on highway safety, or severe cumulative impacts on the road network. It is therefore compliant with Para 111 of the NPPF and there are no transport grounds to refuse the proposal.

The proposal is compliant with policy T SP1 of the ALP and HD8 of the ANP.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision requiring details of such systems to be provided.

Subject to the relevant condition, the proposal is in accordance with relevant Development Plan policy ECC SP2 of the Arun Local Plan.

DRAINAGE

The previously refused application on this site (A/144/22/PL) was for 3 No. dwellings but was inclusive of a section of land adjacent to the South of this site. Subsequently, the proposal has been split into two separate applications for 1 No. dwelling each. This application (A/122/23/PL) concerns to 1 No. dwelling on the North end of the previous site, and A/121/23/PL (currently under consideration) concerns the 1 No. dwelling on the Southern end of the previous site. The Council's drainage engineers would not normally consult or request conditions on applications for a single dwelling outside of the Lidsey Treatment Catchment Area however, these two applications (A/121/23/PL & A/122/23/PL) are linked based on the site history and that the applicant and agent have remained the same. They have therefore provided a response and requested conditions accordingly.

Policies W SP1 and W DM3 of the ALP require inclusion of appropriate sustainable drainage systems in developments to prevent flooding.

Policy W DM2 of the ALP & Paragraph 167 of the NPPF requires proposals not to increase flooding elsewhere.

The Council's Engineers have not objected to the proposal however, they have identified that the submitted Drainage Statement does not meet our policy requirements. They have therefore requested that conditions be attached for the submission of a drainage scheme that does meet these requirements before the development starts.

Subject to the relevant drainage conditions, the proposal is in accordance with policies W SP1 & W DM3 of the ALP.

FLOOD RISK

The site is in Flood Zone 1. It is also located in an area at low risk of groundwater flooding and would result in the land being changed to a more vulnerable use. Whilst the previous application on this site, and the development recently constructed to the West were not required to consider flood risk, the agent has supplied a limited Flood Risk Assessment in line with Paragraph 167 and footnote 55 of the NPPF. Owing to the context of the site and proposal, this Flood Risk Assessment does not meet the requirements to be assessed by any consultee. Given the site is at low risk of flooding, not within Flood Zones 2, 3, or any future flood risk zone, and that other applications in the area have not required additional planning control regarding Flood Risk, no further consideration of flood risk has been given.

The proposal is in accordance with W DM2 of the ALP.

LAND CONTAMINATION

Policy QE DM4 supports the redevelopment of previously used land if contamination concerns are adequately addressed both at the pre-application stage and/or, when necessary, after determination but prior to the works.

The applicant has submitted various documents pertaining to the remediation of contaminants including hydrocarbons and Japanese Knotweed. Environmental Health have considered these but despite these details, Environmental Health have requested a condition regarding the submission of a detailed risk assessment concerning potential land contamination. This condition has been attached to adequately consider and remediate any potential land contamination issues.

Subject to this condition, the proposal is in accordance with QE DM4 of the ALP.

SUMMARY

The proposal is in accordance with the relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

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 (dependent 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 plans & documents:

- Streetscape Elevation 019_P_40_02, P2 (Accepted: 13/07/23).
- Proposed Dwelling Elevations 019_P_40_01, P2 (Accepted:13/07/23).
- Proposed Dwelling Plans 019_P_20_01, P2.
- Location Plan 019-X-10-01, P2.
- Bin and bike stores 019_P_40_03, P2.
- Proposed section 019_P_30_01, P1.
- Proposed Block Plan 019_P_10_01.
- ProPG Stage 2 Acoustic Design Statement (Report ref: AS11957.230309.ADS-S, Dated: 12/04/23).

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 The 2 No. first-floor bathroom windows on the South elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to a minimum height of 1.7m from the finished floor level of the rooms which they serve. They shall remain as such in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

4 Prior to commencement of the development hereby approved, 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 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. 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 parts, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan, and for the reporting of this in writing to the Local Planning Authority.

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.

5 Prior to occupation of the approved dwelling, the applicant or developer shall provide the dwelling 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.

- 6 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 the dwelling 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 national planning policy and policy ECC SP2 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate parking provision for the use in accordance with Policy T SP1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the plans and details hereby approved by the Local Planning Authority.

Reason: To provide sufficient cycle storage provision and sustainable alternative travel options in accordance with Policy T SP1 of the Arun Local Plan.

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Partnership, April 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To conserve and enhance protected and Priority species and ensure Biodiversity Net Gain in accordance with policies ENV DM5 of the Arun Local Plan.

- 10 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species and ensure Biodiversity Net Gain in accordance with policies ENV DM5 of the Arun Local Plan.

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

- 12 **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, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. 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. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 13 **INFORMATIVE:** **INFORMATIVE:** With reference to condition 9, you may wish to appoint an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person could undertake all activities, and works shall be carried out, in accordance with the approved details.

- 14 **INFORMATIVE:** To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small

d e v e l o p m e n t s i n A r u n ' , a s a v a i l a b l e f r o m :
<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>

- 15 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in the event that substantiated complaints within the remit of the Environmental Protection Act 1990 are received. For further information, please contact the Environmental Health Department on 01903 737555.
- 16 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

A/122/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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