

PLANNING APPLICATION REPORT

REF NO: WA/27/23/PL

LOCATION: Morelands  
Arundel Road  
Fontwell  
Arundel  
BN18 0SB

PROPOSAL: 4 No. residential dwellings with associated car-parking and access, This application is in CIL Zone 2 and is CIL Liable as new dwellings. (Re-submission of WA/107/22/PL).

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>This application is a resubmission of application WA/107/22/PL which was refused and is currently at appeal.</p> <p>The refused scheme showed the dwellings arranged in awkward layout that created an overly dense block of housing along the eastern boundary, and appeared overly engineered.</p> <p>Permission is now sought for 4 new dwellings but with a completely different layout, organised in the style of a courtyard with a central access spine. A new vehicular access on Arundel Road is proposed. The site is accessed via a 70 m long driveway parallel to the Ridings.</p>
SITE AREA	2558.00
RESIDENTIAL DEVELOPMENT DENSITY (NET)	16 dwellings per hectare
TOPOGRAPHY	Predominantly flat, slightly sloping down from the north to the south.
TREES	Mature trees on site have been removed and the site 'cleared'. Hedgerows and trees on the site boundaries have been retained.
BOUNDARY TREATMENT	Fence and overgrown hedgerows and trees on the eastern, southern and western boundaries, with farm gates in the entrance to the site.
SITE CHARACTERISTICS	A cleared area with dwelling, remains of a felled tree and tree stumps, small outbuildings and trees and hedgerows along the boundaries. The majority of these are third party trees which overlap the development site all along the eastern, southern and western boundary.
CHARACTER OF LOCALITY	The area is on the edge of residential development which fronts Arundel Road where the well set back dwellings vary in form and design; from bungalows to 2 storey dwellings and

detached and semi detached properties with long rear gardens. Developments to the north-west of the site have a different pattern with a row of detached and semi-detached houses set along the Ridings adjacent to Arundel Road, and a cul de sac arrangement in Fontwell Close behind the dwellings facing Arundel Road. To the north-east is a large two storey dwelling with hipped roof and gabled 2 storey front projection in a spacious plot, pushed well back of the existing building line with a large and open front garden underlining the open feel of the area. The site would be bordered by allotments (to the west) and a public open space area of the approved development (WA/48/19/RES).

<b>RELEVANT SITE HISTORY</b>
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WA/42/22/PL	Demolition of existing dwelling and erection of 5 No. residential dwellings, associated car parking and access. (Resubmission of WA/5/22/PL). This application is in CIL Zone 2 and is CIL Liable as new dwellings.	Refused 17-08-22  <b>Appeal: Dismissed 03-04-23</b>
WA/107/22/PL	4 No dwellings, associated car parking and access. This site is in CIL Zone 2 and is CIL Liable as new dwellings.	Refused 22-12-22
WA/5/22/PL	Demolition of 1 No dwelling & erection of 5 No dwellings with associated car parking and access. This site is in CIL Zone 2 and is CIL Liable as new dwellings.	Withdrawn 18-03-22

Application ref WA/107/22/PL was refused on the following grounds:

1. By reason of the siting and size of the dwellings and the limited area and configuration of the site, the proposal appears cramped, represents overdevelopment of the site, and fails to reflect the established pattern and layout of development in the area resulting in harm to the visual amenity and character of the area and in significant harm to residential amenities of prospective occupiers due to the awkward relationship between dwellings, in conflict with policies D SP1 and D DM1 of the Arun Local Plan, policies HP 11 and HP 13 of the Walberton Neighbourhood Development Plan, the Arun Design Guide and relevant paragraphs of the NPPF.

2 Insufficient ecological information on European Protected Species (bats) and Protected species (reptiles) has been provided. The Preliminary Ecological Appraisal and Bat Survey have not identified that the site is inside the 12km buffer zone of Singleton and Cocking Tunnels Special Area of Conservation (SAC) and so have not assessed the impacts. The proposal is contrary the the ALP policy ENV DM1, policy VE 10 of the WNDP 2 and relevant paragraph of the NPPF and associated Government advice.

<b>REPRESENTATIONS</b>
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Walberton Parish Council: Object on the basis of overdevelopment of the site, insufficient parking, narrow access and insufficient drainage

4 letters of objection which raise the following points:

- The site is not large enough to accommodate 4 houses and associated parking.
- Insufficient access along narrow drive for emergency vehicles.
- Loss of wildlife / no wildlife provision.
- Concerns over the drainage system and flooding.
- Insufficient parking.
- Proximity to neighbouring dwellings.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted. The issues are discussed in the conclusions.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

SOUTHERN WATER: No objection. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the development is finalised.

DRAINAGE ENGINEERS: Whilst agreeable to the strategy, does not support the detailed design. If approved, suggested conditions should be applied.

PORTSMOUTH WATER: No objection subject to suggested condition.

ENVIRONMENTAL HEALTH: No objection subject to conditions relating to 'potentially contaminated land' and 'construction'.

SOUTH DOWNS NATIONAL PARK AUTHORITY: No objection.

WSCC HIGHWAYS: No objection subject to imposition of conditions.

ARCHAEOLOGY ADVISER: A program of archaeological investigation and recording should be secured via condition.

ECOLOGY CONSULTANT: No objection subject to the imposition of conditions.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:

Within Built Up Area Boundary (BUAB);  
Lidsey Treatment Catchment Area;  
The Source Protection Zone 1c for the local Public Water Supply Source;

Archaeological Notification Area;  
 WSCC Mineral Safeguarding Area;  
 Singleton & Cocking Tunnels Special Area of Conservation 12km Buffer;

**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
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM6	HER DM6 Sites of Archaeological Interest
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Walberton Neighbourhood Plan Policy 2019-2031    Built up boundary (BUAB)  
HP1

Walberton Neighbourhood Plan Policy 2019-2031    Housing Density  
 HP11

Walberton Neighbourhood Plan Policy 2019-2031    Design Guidance  
 HP13

Walberton Neighbourhood Plan Policy 2019-2031    Protection of Trees and Hedgerows  
 VE3

Walberton Neighbourhood Plan Policy 2019-2031    Surface Water Management  
 VE7

Walberton Neighbourhood Plan Policy 2019-2031    'Unlit village' status  
 VE8

**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.

The revised Walberton Neighbourhood Development Plan was made on 14/07/21 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 would comply with relevant development plan policies.

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

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.

Policy HP1 of the Walberton Neighbourhood Development Plan 2 states proposals for development within the built-up area boundary of Walberton, defined in Schedule 2 will be supported.

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.

Given the above, as concluded previously, the principle of the development of the site is therefore acceptable.

#### DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Policy HP 13 of the Walberton Neighbourhood Development Plan stresses that new development must contribute to local character by creating a sense of place appropriate to its location and policy HP 11 requires the densities of new development to be appropriate to its location by virtue of size, siting, and relationship to existing properties. Policy VE 3 emphasises that development proposals must be designed to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows.

Although the NPPF does not prevent development on garden land in principle, it does require new developments to respond to local character and history and to reflect the identity of local surroundings.

While the layout of the proposal does not accord with the pattern of development predominantly found along Arundel Road, it is recognised that the site sits a distance away from it, is separated by the existing dwelling to its North, and also that the courtyard type layout does somewhat reflect that found to the North West of the site in Fontwell Close and in The Chase.

The revised layout presents a greater spatial quality than that previously refused and makes a better use of the available space within a more coherent and responsive manner. The site appears less overly engineered than the refused scheme and allows for the introduction of greater green space and landscaping. Having two pairs of dwellings facing each other across a shared access road more closely resembles the configuration of nearby Fontwell Close and The Chase and as such is more closely reflects the character of the surrounding area terms of massing, siting, layout and density, as per local plan policy D DM1.

While units 4 and 3 would be visible from outside the site, the altered layout would now present at an oblique angle and further away from the site boundaries and would therefore not appear unduly prominent, especially given the scope for additional boundary planting. This would accord with the guidance detailed above in part J.07 of the Design Guide.

Improvements have been made to the design and appearance of the individual dwellings, although it is recognised that no objection was raised to this previously and as such, refusal could not be justified on this basis. Regardless the design would accord with the prevalent character of the locality.

In light of the above considerations, the design of the development would satisfactorily relate to the context of the site, would not cause harm to the character and visual amenity of the area, in accordance with policies D DM1 and D SP1 of the Arun Local Plan, policies HP 13, HP 11 and VE 3 of the WNDP 2, the NPPF the Arun Design Guide (SPD) and the National Design Guide.

#### RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

One of the 'core planning principles' of the NPPF is to create places that are safe, inclusive and

accessible and which promote health and well-being, with a high standard of amenity for existing and future, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130 f).

The Arun Design Guide sets out guidance on 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 layout of the dwellings has been altered from that previously refused so that rather than sitting predominantly in a line, they are now spaced around the perimeter of the site. The revised layout results in a more spacious arrangement, increasing the distance between all four dwellings compared to the refused scheme. The closest gap is 2.6 metres between Units 3 and 4, (an increase on the previous 2 metre gap). Units 1 and 2 would be a minimum of 5.7 metres apart, with this gap widening to 8.4m at the front of the houses.

A minimum of 4 metres would be maintained between the dwellings and the southern boundary, and 5 metres with the eastern boundary. The layout makes an efficient use of the available space as is appropriate within the built confines, spacing the units more regularly within the site.

The proposed layout addresses the previous objections regarding the cramped nature of the development and provides a more regular and spacious layout that would not be seen as incongruous or dominant when viewed from the public open space to the south.

Given the distance of the dwellings from neighbouring occupiers, and the revised layout with greater space between and around the dwellings, the proposals would provide an acceptable level of amenity to neighbouring occupiers and future occupiers of the development in accordance with policies D DM1 and QE SP1 of the Arun Local Plan and paragraph 130(f) of the NPPF.

#### **INTERNAL and EXTERNAL SPACE STANDARDS**

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards.

Paragraph 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.

Distances between habitable elements of the front to front dwellings would exceed 16m. All four dwellings have a private amenity space of at least 10.5 metres deep, with Unit 3 having a side garden which is 15 metres deep at its longest point. Units 1 and 2 have 10.5 metre deep rear gardens. Unit 1's angled rear garden is compensated with the addition of a larger side garden, which is also private outdoor space. This is an acceptable alternative,

Units 1, 2 and 3 would have a GIA of 169sqm, exceeding the 124sqm for a 4-bed, 8-person dwelling in the technical standards. Unit 4 would have a GIA of 130sqm, exceeding the minimum required 93sqm.

On this basis, the proposals would accord with the guidance in the ADC Design SPD and policies D DM2 and QE SP1 of Arun Local Plan which requires all development to contribute positively to the quality of the environment.

## **SITE ACCESS, PARKING AND HIGHWAYS IMPACT**

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards.

Policy T DM1 requires that development be located in easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

The site will utilise an existing vehicular access from Arundel Road, with an internal access road connecting the route to the highway. WSCC Highways (the LHA) have advised that there are no apparent visibility issues with the existing point of access on to Arundel Road.

On-site turning for both a private car and refuse vehicle has been demonstrated via swept path track to the satisfaction of the LHA. Cycle parking for each lot has been demonstrated in accordance with Arun Parking Standards.

The plans demonstrate a parking provision of 10.5 parking spaces, consisting of 10 parking bays and one single-bay garage (garages are considered 0.5 parking space under Arun Parking Standards). A development of this size and location should provide 11 car parking spaces.

Notwithstanding the above, the LHA has advised that they do not anticipate that marginal shortfall in parking would give rise to an adverse highway safety impact in this location. Overspill parking is not anticipated to be displaced on to the maintained highway in this instance, given there may be room to accommodate additional parking within the site boundary.

With regard to parking access and highways impact, the proposal would accord with the ALP policies T SP1 and T DM1, and the ADC Parking SPD (2020). Electric vehicle charging points (EVCP) provision can be secured via condition.

## **PROTECTION OF TREES**

The site has been cleared of many trees so that those that remain are along the boundaries. There are off-site/3rd party trees which overlap the development. An Arboricultural Impact Assessment has been submitted. Units 2 and 3 are set back from site boundaries allowing existing trees sufficient space for future growth.

The Tree Officer has been consulted and no comments have been received.

The previous scheme was considered to broadly accord with the ALP policy ENV DM4. This revised layout is an improvement and therefore continues to be acceptable.

## **NATURAL ENVIRONMENT**

Arun Local Plan policy ENV SP1 encourages and promotes the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. The Council will ensure through policy ENV DM1, that the intrinsic features of particular interest are safeguard or enhanced.

Policy VE 10 of the Walberton Neighbourhood Development Plan states development in the Singleton



and Cocking Tunnels SAC Wider Conservation Area should evaluate the potential loss of suitable foraging habitat and/or severance of commuting flight-lines such as semi-natural meadows, mature treelines, hedgerows and watercourses. Such features should be preserved where it is demonstrated that they are used by barbastelle bats. Policy VE 8 stresses that development proposals which detract from the unlit environments of the Parish will not be supported.

The site is approximately 10.7km from the Singleton and Cocking Tunnels Special Area of Conservation (SAC) which is inside the 12km buffer zone as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol. Application WA/107/22/PL was refused partly due to a lack of information relating to suitable mitigation measures for bats and reptiles.

The Council Ecologist has reviewed the documents now supplied by the applicant, relating to the likely impacts of development on designated sites, protected & priority habitats and species and identification of proportionate mitigation, and have advised that they are satisfied that there is sufficient ecological information available for determination of the application. Having assessed the submitted information, they recommend the submission for approval subject to the imposition of conditions.

Given the sites proximity to the SAC it will be necessary to undertake an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Conditions have been incorporated as part of this recommendation which the Council view to be acceptable to overcome any unacceptable impacts upon the conservation objectives of the SAC. However, the AA will assess the suitability of the avoidance and mitigation measures and will be the subject of consultation with Natural England. It is anticipated that this process will be resolved prior to the Committee meeting on the 9th August and an update will be provided to Members on this matter as part of the written update or verbally if required.

Subject to conditions and the conclusion of the AA process, the development would accord with Arun Local Plan policies ENV SP1 and ENV DM1, policy VE 10 of the WNDP 2 and paragraph 174 of the NPPF.

#### CLIMATE CHANGE

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. There are no decentralised, renewable and low carbon energy supply systems proposed, however, compliance with the policy can be secured via a condition.

#### WATER, FLOODING & SURFACE WATER DRAINAGE:

The site is currently not affected by flooding from rivers/sea and is in Flood Zone 1. The Council's climate change mapping shows it would not be affected by 2111.

The site is in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must be accompanied by a Drainage Impact Assessment (DIA).

Policy VE 3 of the WNDP stresses that new development should aim to reduce the overall level of flood risk.

The submission advises that majority of the hard surfaces across the site would be permeable, with only the roofs and patio areas formed of impermeable materials. Runoff from the proposed the dwelling roofs will be directed into individual cellular soakaways. The soakaways will be located within the garden

extents except for the south eastern dwelling, which will be located beneath the access road. The cellular storage of the soakaways has been calculated to accommodate all runoff from the roof areas.

Arun District Council's Drainage Engineer has advised that while they have no objection to the proposal, they require the imposition of conditions relating to surface water drainage design. Portsmouth Water have reviewed the 'FRA and Surface Water Drainage Strategy' and are satisfied with the design subject to condition.

Subject to the imposition of conditions, the development would comply with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policy VE 3 of the WNDP and paragraph 167 of the NPPF.

## CONCLUSION

The proposal overcomes the reasons for refusal of application ref WA/107/22/PL and 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 and without detrimental highways, flooding or ecology impacts.

Paragraph 11 of the NPPF requires that decisions should apply a presumption in favour of sustainable development. As per paragraph 11 c and d, the proposals accord with the development plan. Additionally given the lack of a 5 year housing land supply, there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this National Planning Policy Framework taken as a whole.

On this basis, it is recommended that planning permission be granted for the proposal.

## 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 Liabe 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 and statements:

A.001 Rev B Location Plan  
A300 Rev A Building A Section AA  
A102 Building A Roof Plan  
A101 Rev C Building A Floor Plans  
A103 Rev C Building B Floor and Roof Plans  
A104 Rev C Building A Floor Plans (left handed)  
A202 Rev C Building B Elevations  
A203 Rev C Building A Elevations  
A201 Rev C Building A Elevations  
A002 Rev P Development Plan and Landscaping  
11636\_1700 P9 Vehicle Tracking  
Arboricultural Implications Assessment 13th March 2023  
Transport Statement dated April 2023  
Archaeological Desk Based Assessment March 2023  
Reptile Survey 16.10.21  
Preliminary Ecological Appraisal 14.10.21  
Detail of Mitigation Relating to Bats 24.4.23  
Bats Roost Characterisation Survey, Emergence/Activity 15.10.21

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 All works shall be carried out in accordance with measures detailed in the Arboricultural Implications Assessment 13th March 2023.

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.

- 4 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved by the local planning authority.

Reason: The site is of archaeological significance in accordance with Arun local plan policy HER DM6

- 5 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.

- 6 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 car-parking space for the use and in accordance with T SP1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 8 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.

- 9 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.

- 10 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the Local Planning Authority in consultation with Portsmouth Water. The development shall be carried out in accordance with the approved details. The method statement should detail the equipment, methodology, grout, control measures and monitoring that will be implemented to ensure there is no increased risk to

controlled waters or drinking water supplies. Thus, it should be demonstrated that any proposed piling;

- a. Will not result in contamination of groundwater. This is in accordance with National Planning Policy Framework paragraph 109.
- b. Nor any increased risk to drinking water supplies (including turbidity).
- c. Nor deterioration in the transmissivity of the aquifer.

Reason: Piling or any other foundation construction methods using penetrative methods could allow hazardous substances and non-hazardous pollutants to enter groundwater by for example, mobilising contamination and creating preferential pathways

- 11 If, during development, contamination not previously identified is found to be present at the site then the Local Planning Authority must be notified immediately. No further development (unless otherwise agreed in writing with the Local Planning Authority in consultation with Portsmouth Water) shall be undertaken in that phase until the developer has submitted and had approved a site investigation, risk assessment and remediation strategy report, detailing how to mitigate the contamination identified. The remediation strategy approved by the local planning authority shall be implemented in full before development in that phase recommences.

Reason - To ensure that risks from land contamination to drinking water supplies are remediated.

- 12 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.

- 13 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.

- 14 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Epoch Ecology, October 2021) and the Ecological Addendum Letter (Epoch Ecology, 24th April 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 LPA 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).

- 15 Prior to commencement of development, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include 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 on biodiversity during construction (may be provided as a set of method statements).
- d) All pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA 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). Fugitive emissions from the site during construction could pose a significant threat to groundwater and therefore the local public

- 16 Prior to occupation of the dwellings, 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 enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 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 shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The lighting approved shall only be installed and maintained in accordance with the approved details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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, 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).

- 18 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.

- 19 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 Report' 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.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 20 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.

- 21 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.

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



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

- 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, as per <https://www.gov.uk/guidance/flood-riskassessments-climate-change-allowances> 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. 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 extent 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'.

- 27      INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
- 28      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.
- 29      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 the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

<b>BACKGROUND PAPERS</b>
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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](#).

**WA/27/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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