

PLANNING APPLICATION REPORT

REF NO: AL/139/22/PL

LOCATION: Land west of Fontwell Avenue
Fontwell Avenue
Eastergate
PO20 3RU

PROPOSAL: Pair of semi detached dwelling houses with two storeys under a pitched roof. This application is in CIL Zone 2 and is CIL liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 2 semi-detached houses will be on the southern third of a large site which benefitted from permission for two detached dwellings under AL/136/17/PL. Each dwelling will have 4 double bedrooms, one with an en-suite bathroom. The dwellings will be two storeys only with no rooms in the roof. Off-street parking is provided to the front with a new access from the A29. The result of this new access will be to create sufficient accesses to serve the 2 dwellings. Also shown are bin stores and fencing details.
SITE AREA	0.183 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	A row of tall conifer trees are present along the rear boundary adjacent to the scrapyard. There is one large tree on the frontage in the very southern corner and some further large trees on land to the rear of Oaktrees. None of these trees will be affected by the development. A number of trees which were present along the larger site frontage have been felled.
BOUNDARY TREATMENT	1.8m high close boarded fencing to the boundary with Oaktrees. One metre high metal two bar fence interspersed with hedging to the road frontage and a row of fir trees behind a part wire fence/part hedge to the rear of the site.
SITE CHARACTERISTICS	Previously vacant grassed parcel of land.
CHARACTER OF LOCALITY	The site is in the settlement boundary and predominantly residential as there are dwellings on both sides of the site and on the opposite side of the A29. The site frontage falls in a 40mph zone and the start of the 30mph zone is adjacent to the southern end of the site.
	Oaktrees adjoins the southern boundary and is a 1.5 storey dwelling with its first floor accommodation within a Dutch hipped barn style roof. It has flank facing windows at ground and first floor (with the first floor window appearing to be a bedroom) and a row of roof lights on the rear. A pair of semi-

detached dwellings have been built on the next plot to the north. These will have obscure glazed bathroom windows in the flank elevation overlooking this site. There is a vehicle scrapyards to the rear of the site, beyond the line of conifers.

RELEVANT SITE HISTORY

AL/136/17/PL	Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan	ApproveConditionally 03-10-18
AL/122/17/PL	2 No. dwellings (resubmission following AL/72/17/PL). This application is a Departure from the Development Plan.	ApproveConditionally 14-02-18
AL/121/16/PL	2No. semi detached houses. This application is a Departure from the development plan	ApproveConditionally 01-02-17
AL/106/15/OUT	Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.	Refused 19-01-16
		Appeal: Dismissed 03-08-16
AL/95/13/	Outline planning application for 3 no. detached houses with garaging - This is a Departure from the Development Plan	ApproveConditionally 25-04-14

REPRESENTATIONS

Aldingbourne Parish Council: No objection.

1 x Letter of objection:

- Previous applications have been allowed to expire whilst the land has been used for other purposes.
- The application is retrospective, since the foundations for these two houses have already been laid.
- Human Rights have been violated by the activities on this site for nearly six years already.
- Enforceable condition requiring the accesses and internal road to be completed first should be imposed.

1 x Letter of support:

- Once the building work and landscaping have been finished Fontwell Ave will become more aesthetically pleasing and safer for road users and pedestrians as the view along that stretch of road will be greatly improved.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Planning issues will be considered in the report's conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS (LHA): Subject to conditions the LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network.

DRAINAGE ENGINEERS: No conditions to request. Please ensure surface water drainage is constructed in accordance with the following plans:

- Surface Water Drainage 2112/D1.4
- Surface Water Drainage Construction Details 2112/C5

There was a difference in depth of 0.43m between the shallow infiltration testing and the permeable paving formation level. The consultant engineer should ensure shallow infiltration testing intended for permeable paving features is set at the appropriate depth for them in future.

ECOLOGY: No objection subject to securing biodiversity mitigation and enhancement measures.

SOUTH DOWNS NATIONAL PARK AUTHORITY: No objection.

SOUTHERN WATER: Not consulted on this application, however, consulted on the previous identical proposal:

- A sewer crossing the frontage of the site and request that no development or new tree planting be located within 3m either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. There may be other unrecorded sewers crossing the site. Require a sewer connection informative.

ENVIRONMENTAL HEALTH: No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and all conditions included within the recommendation with the exception of one contaminated land condition. This condition was excluded as adjoining sites have been the subject of this condition with no contamination being identified. There is no basis to assume contamination will be present on this site. However, the condition which requires remediation of previously unidentified contamination identified during development has been imposed.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
Special Control of Adverts;
Grade 3a Agricultural land;
Flood Zone 1; and

Class A Road (A29).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1 Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH5 Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy GA1 Promoting sustainable movement

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy H6 Windfall Sites

Aldingbourne Neighbourhood Plan 2019-31 Policy H7 Development in the vicinity of businesses

Aldingbourne Neighbourhood Plan 2019-31 Policy H8 Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

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 Aldingbourne Neighbourhood Development Plan 2019-2031 was made in 2021. The relevant policies have been considered within 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 in the determination of this application.

CONCLUSIONS

KEY ISSUES

The key issues are principle, natural environment, design and visual amenity, residential amenity, highways/traffic and space standards.

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.

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 acceptable.

DESIGN AND VISUAL AMENITY

Policies D SP1 and D DM1 (ALP) are consistent with NPPF provision in that they require development proposals to make efficient use of land but must reflect the characteristics of the site. Policy D DM1 requires development to have regard to character, appearance, density and scale.

Aldingbourne Neighbourhood Development Plan (ANDP) policies H3, H6 & H9 are relevant. Policy H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties and policy H6 requires residential development on infill/redevelopment sites within the built up area boundary to be appropriate in scale & density to the size and character of the settlement, used efficiently, be accessible via a range of transport modes and conserve/enhance wildlife. Policy H9 requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses.

The Arun Design Guide Supplementary Planning Document (SPD) is a material consideration in the determination of applications. Part P.O1 deals with infill development and requires development to respond positively to the character; infill developments, whether in rural contexts or urban environments, must aim to strike a balance between the benefits of more efficient and intense use of development land and preserving the character and local amenities of the site's context and will need to respond to the building heights, scale and massing that characterise the existing street frontage.

Paragraph 130 (NPPF) requires decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The proposal is identical to that considered acceptable under AL/136/17/PL. There have been no material changes to planning considerations or to the planning policy framework which would lead to a different assessment of the visual impact of the proposal.

The two storey four bed dwellings would have a gable roof, the southern counterpart of semis would have a shallow two storey front projection. There would be small differences between the proposal and two semis to the north (already commenced) with regards to materials and fenestration. Proposed materials include tiles and brick and these would be in character with some of the existing dwellings in the locality. The proposal provides reasonable gaps between the flanks of the semi-detached building and the boundaries. The gap to the northern boundary will be between 2.5 and 3m. The total space between the two pairs of semi's will be between 6 and 7m. To the southern boundary, the gap will be staggered from just over 3.5m at the front and just over 2m at the rear. This results in a gap to Oaktrees of between 4.5 and 5m, which is comparable to the gaps between the other approved semi-detached dwellings and of the dwellings opposite.

The scale, layout and appearance of the dwellings would not detract from the character of the area and would integrate with neighbouring properties reflecting the established character of properties to the south. Therefore, the development would comply with policies D SP1, D DM1 of the Arun Local Plan as well as policies H3, H6 & H9 of the Aldingbourne Neighbourhood Development Plan 2 and the NPPF and

the Arun Design Guide (SPD).

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 electric vehicle charge point (EVCP) standards.

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

Aldingbourne Neighbourhood Development Plan (ANDP) Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires new development to be located in places accessible to public and community transport. Policy GA3 is also relevant and requires that parking be provided in accordance with the standards adopted at the time.

A new vehicular access onto the A29 is proposed and the Local Highway Authority (LHA) has not raised any objection to this.

Arun Parking Standards Supplementary Planning Document, (Jan 2020) identifies that for a 4+ bed property in this type of location (Parking Behaviour Zone 2) would require a minimum of 3 car parking spaces on site. According to paragraph 3.3, an additional parking for visitors will be required at a ratio of 20% of the total number of residential units. The site plan shows 2 parking spaces for each dwelling which would fail to satisfy the requirement of the standard. Covered cycle storage is not provided.

The application shows the same access point as approved under AL/136/17/PL, and as considered previously, it continues to be an acceptable proposal in this regard.

Parking Standards require that all new houses with a driveway and garage will provide active EV charging points (in accordance with current ADC Vehicle Infrastructure Study (2017)). All other development will need to provide EV charging points in 20% of parking spaces from the date of adoption of this SPD. This approach reflects that taken by the LHA and responds to the Government's declaration of a 'Climate Emergency' and future regulations on decarbonising the transport sector.

In respect of car parking, although the proposal does not meet the anticipated demand of 7 spaces (the 7th space being required for visitor parking), there is a sufficient hardstanding available for additional temporary parking and additional parking could be accommodated without preventing vehicles turning on site and as such would not result in unsafe movements onto or from the A29.

Therefore, the proposals would provide a safe and suitable access and would not give rise to unacceptable highways safety or operation impacts. Subject to conditions, the proposals would broadly accord with the NPPF, ALP policies T SP1 and T DM1, and policies GA1 & GA3 of the ANDP.

RESIDENTIAL AMENITIES

Arun Local Plan policy D DM1 indicates permission will only be granted for schemes displaying high quality design and layout which take into account impacts on adjoining occupiers, land or property by avoiding significant loss of sunlight, privacy and outlook and avoiding unacceptable noise and disturbance. The Council under policy QE SP1 requires that all development contributes positively to the quality of the environment and ensures that development does not have a significantly negative impact upon residential amenity.

The development would have similar characteristics to other properties in the locality. The proposal would result in two dwellings of an appropriate size within sufficient separation distances from neighbouring properties so as to avoid any overbearing or overshadowing impacts.

No windows are proposed on the side elevations of the dwellings. The proposal will not result in any harmful overlooking of neighbouring properties nor will the proposed dwellings themselves suffer from overlooking from existing dwellings. The rear building line of the two dwellings will be set back from that of Oaktrees and such there may be an impact on a 45 degree angle drawn from Oaktrees rear principal windows. However, this is not considered to result in unacceptably adverse harm due to the orientation of the dwellings to the North of Oaktrees and due to the gap of between 4.5 and 5m between the new building and Oaktrees.

Bathroom windows proposed on the front elevation of the dwellings will be obscurely glazed to protect the privacy of future occupiers. The General Permitted Development Order prevents the installation of windows at first floor level on side elevations unless obscurely glazed and fixed shut below 1.7m. Given the permitted development restrictions any windows in this location would not give rise to any unacceptably adverse overlooking and as such a condition is not necessary to restrict this.

Therefore, the development would accord with policies D DM1, QE SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

NOISE:

Policy QE DM1 of the Arun Local Plan 2011-2031 states that:

"Residential development likely to experience noise from road, rail or air must:

- a. Be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise.
- b. Consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future."

It is necessary to have regard to policy H7 of the ANP which states that: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

Environmental Health have raised no objection to the proposals subject to the imposition of conditions, which requires the development to be implemented in accordance with the submitted acoustic report. Subject to the proposed conditions there would not be any conflict with policy QE DM1 and there would be sufficient mitigation in place to overcome any conflict with policy H7.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

Although the floorplans show 4 bedrooms per dwellings all containing a double bed, one of the bedrooms in each house actually falls below the 11.5m² standard for a double bedroom. Therefore the proposal

should be assessed as having 4 bedrooms and accommodating only 7 persons. The required internal floor area for each is therefore 115m².

The larger of the two houses more than meets the standard with a floor area of 123m². The second dwelling is short of the standard at only 103m². However, policy D DM2 only requires that internal spaces are of an appropriate size. The policy does not state that the national space standards are to be rigidly followed. Therefore, given the proposed floor areas of the dwellings they are appropriate in floor area and would achieve an acceptable standard of amenity for future occupiers in accordance with ALP policy D DM2.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. Policy H8 of the ANDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area", this does not specify an amount of garden. The proposed dwellings both have gardens with depths exceeding 36m and areas of at least 370m². These exceed the minimum standards identified through the Arun Design Guide and as such are of sufficient to ensure an adequate standard of amenity for future occupiers in accordance with policy D DM1 of the ALP and policy H8 of the ANDP.

BIODIVERSITY

Arun Local Plan policy ENV SP1 states that Arun District Council encourage and promote 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, policy ENV DM1, that the intrinsic features of particular interest are safeguard or enhanced.

Policy ENV DM5 of the Local Plan requires that development schemes seek to achieve a net gain in biodiversity and protect habitats on site and that they incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

Policy EH6 of the ANDP emphasises development proposal must be designed to incorporate biodiversity within and around developments and enhance ecological networks.

The site is approximately 11 km from the Singleton and Cocking Tunnels Special Area of Conservation (SAC) which is inside the 12 km buffer zone as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol. The Council Ecology consultee reviewed the ecological report and advised that although it has not specifically assessed the likely impacts from the proposals upon the SAC, it has considered impacts to foraging and commuting bats in general, stating no habitats which could be used by foraging or commuting bats will be removed and recommends the need for a wildlife sensitive lighting strategy. They advised that record show Barbastelle approximately 700m from the site and aerial photography shows the site is bordered by residential and commercial development. Whilst the direct impacts on the SAC have not been considered they are satisfied with the general impact assessment which has been carried out.

The Council's Ecologist further advised that mitigation measures identified in the Preliminary Ecological Appraisal (Arbtech, November 2022) should be secured by condition and implemented in full. This is necessary to conserve and enhance protected and priority species particularly bats, reptiles, amphibians, hedgehogs and breeding birds.

Given the sites proximity to the SAC it has been 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. The AA assesses the suitability of the avoidance and mitigation measures and has been the subject of consultation with Natural England. Consultation has been undertaken with Natural England on the AA and no objection has been raised to the conclusions of the assessment.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions along with other conditions recommended by the ecology consultee. Subject to the imposition of these conditions, the proposal will ensure the protection of the ecological value of the site in accordance with local plan policy ENV DM5 and ANDP policy EH6.

SUMMARY:

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.

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

Therefore, the development is acceptable in terms of the development plan when taken as a whole and is recommended for approval subject to the following conditions.

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:

Surface Water Drainage Construction Details Dwg No 2112/C5
Surface Water Drainage Dwg No 2112/D1.4
Surface Water Drainage Dwg No 2112/D1.2
Proposed Floor Plans Dwg No CHI/20080/BR 1 of 4
Location Plan, Site Plan and Proposed Elevations Dwg No CHI/22089/P 2 of 3
Proposed Sections Dwg No CHI/20080/BR 3 of 4
Proposed Site Plan for Drainage Dwg No CHI/20080/BR 4 of 4
Vehicle Swept Path Analysis Dwg No 2018-4370-002 Rev A
Visibility Splays Dwg No 2018-4370-001 Rev A
Preliminary Ecological Appraisal by Arbtech
Preliminary Ecological Appraisal
Environmental Noise Assessment Rev 0 dated 21.9.22

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 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.

- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, November 2022) 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 in accordance with Arun Local Plan policy ENV DM5, and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 A Biodiversity Enhancement Strategy for protected and Priority species 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 to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- 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 prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with Arun Local Plan policy ENV DM5, and to allow the Local Planning Authority to discharge its duties under S40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 7 A lighting design scheme for biodiversity shall be 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.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In accordance with Arun Local Plan policy ENV SP1 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 8 The 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 required as part of the works must be installed prior to the occupation of each 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 the NPPF and policy ECC SP2 of the Arun Local Plan.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Local Plan policy T SP1.

- 10 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

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

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Local Plan policy T SP1.

- 12 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with Local Plan policy T SP1.

- 13 No part of the development shall be first occupied until minimum visibility splays of 2.4 x 59m have been provided at the proposed site vehicular access onto Fontwell Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

- 14 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

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

- 15 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.

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

- 16 Glazing and vents for habitable rooms shall achieve the acoustic performance criteria detailed in table 4.1.of the 'Environmental Noise Assessment | Land at Fontwell Avenue, PO20 3RU' (dated 21/09/2022) .

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

- 17 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 developments in Arun', available from : <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>

- 18 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 19 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (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.

BACKGROUND PAPERS

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

AL/139/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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