

PLANNING APPLICATION REPORT

REF NO: BN/134/23/RES

LOCATION: Nuthatch
Wandleys Lane
Fontwell
PO20 3SE

PROPOSAL: Approval of reserved matters following outline consent BN/144/22/OUT (as varied by BN/65/23/PL) for the erection of 4 No. residential units with associated car parking and landscaping with new access to be provided via Wandleys Lane. This application is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks approval for the reserved matters of appearance, landscaping, layout and scale following an earlier outline permission (BN/144/22/OUT) that established the principle of four dwellings on this site, together with approval of the means of access. The outline permission was subsequently amended by an application under Section 73 of the Town and Country Planning Act 1990 to vary conditions.</p> <p>The proposal is for four (4 bedroom) detached houses, all two storeys with some single storey elements (garages). Roofs are pitched and gabled or hipped and all have chimneys. Each house will have generous front & rear gardens, a double garage and driveway space to accommodate at least 2 vehicles. The garages provide cycle storage. The layout shows 1 shared visitor space, turning facilities and landscaping. The layout has been amended since submission to (a) reduce the extent of hardstanding/increase the amount of soft green areas and (b) rotate plot 1 slightly anti-clockwise, to improve the relationship with plot 2 adjacent.</p>
SITE AREA	0.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	10 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Two category C trees (Common Hazel & Hawthorn) would be removed to provide the access. The site is a field and all trees are to the boundaries so no works are required to these.
BOUNDARY TREATMENT	The eastern boundary is part hedge and part hedgerow with trees. The hedging is around 1.5m high but the trees are much taller. To the south is a thin treeline, beyond which is a track and field of the neighbouring property Studlands. To the west is a tree line beyond which is the same access track

SITE CHARACTERISTICS	associated with Studlands. To the north is Wandleys Lane, demarcated by a post and wire fence and further trees.
CHARACTER OF LOCALITY	The site comprises undeveloped grassland. There is existing access from the property Nuthatch. The site lies to the southeast of Wandleys Lane. The wider area comprises a mixture of residential to the southwest in the heart of Fontwell and agricultural, industrial, equestrian and caravan sites to the northwest, northeast and south of the site. Dwellings immediately northeast are mainly one, and one and half storey, detached dwellings and outbuildings with white/pink render for the walls and tiled pitched roofs. Dwellings in Fontwell are typically one or two storeys detached and semi-detached with red brick or rendered walls and dark coloured brick tiled hipped or gable pitched roofs. Many dwellings have chimneys, and some have porches of matching materials. Plots are typically narrow with front parking spaces and rear gardens.

RELEVANT SITE HISTORY

BN/65/23/PL	Variation of condition following BN/144/22/OUT relating to Condition No. 3 - approved plans.	ApproveConditionally 06-07-23
BN/40/23/HH	Two storey side extension and porch, first floor extension to existing house and detached garage	ApproveConditionally 12-05-23
BN/144/22/OUT	Outline application with all matters reserved (except access) for the erection of 4 No. residential units with associated car parking and landscaping with new access to be provided via Wandleys Lane. This application is a Departure from the Development Plan.	ApproveConditionally 20-03-23

The site benefits from extant outline permission (BN/144/22/OUT) for 4 dwellings amended under Section 73 by BN/65/23/PL, with reference to the plans listed in condition 3. The adjacent dwelling has since had an application approved for extensions. These have yet to be constructed but the permission is valid until 12/05/2026. This would allow for a two-storey extension on the southwestern flank of the dwelling which would include two first floor bathroom windows facing the application site. The decision does not include any conditions requiring these windows to be obscure glazed.

REPRESENTATIONS

Barnham & Eastergate Parish Council object to the inclusion of the Juliette balcony on the rear elevation of plot 1 as this is contrary to the Arun Design Guide SPD. At its shortest point the distance to the neighbouring boundary is only 8m and not the 10.5m stated in the Design Guide. The Parish request

clarification on whether the driveways are permeable or not.

No other third party comments have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Privacy is considered in the conclusions section however it should be noted that:

- The Juliette balcony window is at least 12m in a straight line from the boundary of the end of plot 1's garden with plot 2's garden.
- There is 9m from the window to the boundary with plot 2's garden at a 45-degree angle.
- There is also 9m from the window to the boundary with Nuthatch's garden at a 45-degree angle.
- The 10.5m requirement in the Design Guide only applies to the length of rear gardens and there is no conflict with this.
- Oblique angle views from windows will often allow for some degree of overlooking but this is an expected situation typical of all houses that are side by side.

The applicant has confirmed by email that the driveways will be permeable.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No comments.

SOUTH DOWNS NATIONAL PARK AUTHORITY - The proposal is unlikely to have a significant visual impact upon the setting of the National Park.

SOUTHERN WATER - No objection.

WSCC HIGHWAYS - No objection and recommend no conditions.

WSCC FIRE & RESCUE - Request a fire hydrant condition.

ADC ECOLOGY - States the following:

- The site is in the Singleton and Cocking Tunnels SAC buffer area so an Appropriate Assessment will be required.
- Conditions 9, 10, 11, 12, 14 and 15 of BN/144/22/OUT relate to biodiversity & ecology and require further details to be provided.
- The planting plans include a range of native species that will benefit nature.
- Retention of semi-improved grassland is advised where applicable it would be ecologically better to retain this habitat instead of removing and sowing native species grassland; and
- Site plans show a significant amount of hard landscaping. This should be reviewed to maximise the soft landscaping achievable.

ADC ENVIRONMENTAL HEALTH - Request conditions relating to contamination, construction hours and lighting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, except as discussed below:

ADC ECOLOGY - The layout has been reviewed to maximise the amount of soft landscaping/reduce the amount of hard surfacing.

ADC ENVIRONMENTAL HEALTH - The requested conditions have been included on the outline permission and will remain in force. There is no need to reimpose these on approval of the Reserved Matters.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary.
- Area of Advert Special Control.
- Water Source Protection Zones 1C/2C.
- Sharp Sand and Gravel Minerals Safeguarding Area.
- Designated Biodiversity Corridor (Wandleys Lane).
- Current/Future Flood Zone 1.
- No known surface water flood risk.
- High groundwater flood risk.
- CIL Zone 3.
- Lidsey Treatment Catchment Area.
- Existing Public Sewer on Wandleys Lane; and
- Within the Singleton & Cocking Tunnels Special Area of Conservation (SAC) 12km buffer area.

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

[Barnham & Eastergate Neighbourhood Plan 2019](#) Quality of design

[POLICY ES5](#)

Barnham & Eastergate Neighbourhood Plan 2019 Trees and Hedgerows

[POLICY ES10](#)

Barnham & Eastergate Neighbourhood Plan 2019 Green Infrastructure and Ecosystem Services

[POLICY ES15](#)

Barnham & Eastergate Neighbourhood Plan 2019 Singleton and Cocking Tunnels SAC

[POLICY ES17](#)

Barnham & Eastergate Neighbourhood Plan 2019 Parking and new development

[POLICY GA4](#)

Barnham & Eastergate Neighbourhood Plan 2019 Outdoor space
POLICY H5

Barnham & Eastergate Neighbourhood Plan 2019 Attention to detail
POLICY H6

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

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 (ALP), 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 relevant policies of the Barnham and Eastergate Neighbourhood Development Plan (BENDP) 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 complies with relevant Development Plan policies in that it would result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the existing trees or the amenities of existing residents.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of the development of the site for four dwellings and associated access has already been established by BN/144/22/OUT. The local planning authority can now only consider the outstanding reserved matters of layout, appearance, landscaping, and scale. It is only appropriate to consider development plan policy and material considerations in respect of these reserved matters. Matters relating to flood risk, countryside location, highway safety, and foul drainage (the principle of 4 new dwellings connecting to the network), were all determined at the outline stage and covered by any relevant conditions on the outline permission and, therefore, do not fall to be assessed under this reserved matters submission.

COMPLIANCE WITH THE OUTLINE PERMISSION:

It has been established by case law that applications for the approval of reserved matters must be in the ambit of the outline planning permission and must be in accordance with conditions annexed to the outline permission. Certain conditions imposed by the outline (amended by BN/65/23/PL) set parameters for the nature and form of the Reserved Matters submission and these are analysed below. When determining whether reserved matters fall in the ambit of an outline permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

Condition 3 states development shall be carried out in accordance with plans/document approved by the outline (the Location Plan, Ecological Appraisal, Arboricultural Impact Assessment & Method Statement and Transport Statement). There was then a separate condition (see below) that required the submission of a further Arboricultural report, however, in all other cases the reserved matters scheme is in accordance with these outline documents.

Condition 5 requires the reserved matters include (a) a plan showing the location and quantum of vehicle and cycle parking spaces that serves each of the dwellings; and (b) an Arboricultural Impact Assessment and Method Statement. The reserved matters submission achieves both requirements.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. BENDP policy ES5 requires new residential development is of high-quality design and integrates with the local landscape and built environment. Policy H6 requires that dwelling designs include provision for bin storage, cycle storage and meter boxes. The Arun Design Guide (ADG) is a material consideration in the determination of this application.

The layout is appropriate to the size & shape of the site and ensures one of the four dwellings' fronts onto Wandleys Lane, respecting the building line of Nuthatch. The layout has been refined during the determination to increase the amount of soft landscaping at the expense of hard surfacing. The layout respects trees and provides a spacious development which respects local character. The layout is very similar to that shown indicatively at outline stage which showed 4 large, detached dwellings in an inverted L shaped arrangement.

Nuthatch is a bungalow as is the dwelling adjacent to it and a development of 3 dwellings a short distance to the north-east. There are two storey dwellings elsewhere along Wandleys Lane and it is material that Nuthatch has recently been allowed to add a first floor. Two-storey dwellings would reflect both existing and planned developments on Wandleys Lane.

The Arun Design Guide (ADG) suggests a density of 5-15 dwellings per hectare (dph) in rural locations and the site density of 10 is appropriate. Part Q of the ADG discusses rural development and requires that development is simple, unobtrusive, traditional and respects rural character. There should be an emphasis on landscape integration and the avoidance of overly detailed buildings.

The dwelling designs are in accordance with the ADG as they are simple designs which include chimneys and other traditional/rural design elements. The designs use appropriate materials for the location (brick, timber & tiles). The plans show rear garden boundaries of hedging and indicate other boundaries will be formed by brick walls and picket style fencing. A condition will be required in respect of the latter as they are not shown on the landscaping plan. All of these treatments are appropriate in a rural area.

Matters of layout, appearance and scale are all appropriate for the characteristics of the site and the character/appearance of the surrounding area. The proposal is in accordance with the relevant policies.

LANDSCAPING & TREES:

ALP policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping. Policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. BENDP policy ES10 states the loss of trees contributing to amenity will only be sanctioned where the benefits outweigh the loss. Policy H4 requires that new development integrate carefully with the surrounding natural landscape.

The application is accompanied by soft landscaping master and detailed plans. These show rear gardens will be bordered by new native hedging and existing site boundaries will be enhanced with new native hedging & trees. The green areas of the site will be planted with grass, wildflowers, and shrubs. In total, six new native feature trees and nine new native garden trees will be planted. The schemes requires the loss of only two trees. The landscaping scheme is comprehensive and varied.

The application is accompanied by an Arboricultural Impact Assessment & Method Statement which sets out measures to protect trees and by details of hard landscape treatments. The submission has not attracted any comments from the councils Landscape or Trees officers, but it is material that the trees to be removed are to facilitate the agreed access. The scheme complies with the relevant policies.

OTHER MATTERS:

The reserved matters of scale, layout, appearance, and landscaping have been assessed above. There are some other issues to consider which relate to the detail of the scheme, but which do not fall under the above headings.

(A) Residential Amenity & Space Standards:

ALP policies D DM1, D DM2 and QE SP1 are relevant as is BENDP policy H5. The ADG 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; and
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping.

All plot-to-plot relationships meet the standards except between plot 4's front and plot 2's flank, which is just 10m against a 14m guidance. There is, however, no material loss of privacy as the only first floor window in plot 2's flank is a bathroom and a condition can be applied to require obscure glazing.

There was a concern raised during the determination with potential views from plot 1's rear main bedroom window (which shows a Juliette balcony). This window would allow views of plot 2's garden but the applicant has resolved this by slightly rotating plot 1. The window will still allow oblique views of the neighbour's garden but not to a degree that would be materially harmful. The Juliette balcony nature of the window is not material - a person can lean out of a window whether it has a balustrade or not.

The ADG Includes guidance on garden sizes as follows:

- Private Rear Garden: min. 10.5m depth.
- Private Front Garden: min. 2m depth.
- Private Amenity Space for flats: at least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony/patio/terrace.

All four houses have sufficiently sized front gardens and generous private rear gardens. As per ALP policy D DM2 it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard or NDSS) to determine if the buildings will be suitable for future residential occupiers. The floorplans have been cross referenced with the NDSS and the gross internal floor areas of the houses easily meet the standards.

(B) Parking, Roads, and Public Footpaths:

ALP policy T SP1 and BENDP policy GA4 are relevant as is the Arun Parking Standards SPD.

The parking requirement according to the SPD is 3 allocated spaces per dwelling with 1 additional shared visitor space. The scheme complies with these requirements as each house is provided with a double garage plus spaces in front of the garage, together with one shared visitor space. It is positive that all private spaces are appropriately wide to allow for wheelchair use. WSCC Highways raise no objections and so the proposal has to be judged in accordance with the relevant policies.

(C) Waste Management:

ALP policy WM DM1 requires that residential development is designed to ensure that kerbside collection is possible for municipal waste vehicles. The layout drawing shows a turning facility and WSCC Highways raise no highway safety concerns, but there is no specific information in the application as to the refuse arrangements or whether the turning area is suitable for refuse vehicles.

Nevertheless, existing refuse collections from Nuthatch are from the road and that arrangement could safely continue. Wandleys Lane is not a fast road and traffic levels are fairly light, such that there are no significant safety concerns with a refuse vehicle waiting on the road or even reversing into the site. Although waste storage facilities are not shown, in practice there is space in each of the curtilages such that this will not be an issue. A condition is not required to secure this. The development complies with ALP Policy WM DM1.

(D) Surface Water Drainage:

Drainage matters were considered at the outline permission stage and are already subject to conditions.

(E) Climate Change:

There was no low carbon energy condition included on the outline permission so an appropriate condition is now recommended. This will complement the electric vehicle charging condition already included at the outline stage. Jointly, these conditions demonstrate compliance with ALP policies ECC SP1 & SP2 and with QE DM3.

(F) Ecology and Biodiversity Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. BENDP policy ES15 states new development adjacent to the Biodiversity Corridors must assess the impact on the natural environment and must not give rise to significant harm to the integrity or function of the Biodiversity Corridors. The policy sets out the requirement for a 10% net gain in biodiversity through the use of the Defra approved biodiversity metric, and this should be delivered on-site.

Biodiversity was assessed at outline stage and the council's ecologist raised no objection. The outline permission (as amended) contains a number of relevant conditions. Conditions 3 and 10 require that the development be in accordance with the Preliminary Ecological Appraisal. Conditions 11, 12, 14 & 15 refer to construction environmental management, a biodiversity enhancement strategy, lighting, and a review of wildlife surveys. These require further details to be agreed at a later date. The impact on the biodiversity corridor was sanctioned with the agreement at the outline stage of the loss of the two trees to create the site access.

The council's ecologist has reviewed the reserved matters submission and raises no concerns.

(G) Impact on the Singleton & Cocking Tunnels SAC:

In addition to the adjacent biodiversity corridor, the site lies in the 12km buffer area of the Singleton and Cocking Tunnels Special Area of Conservation (SAC). Depending on the level of the likely impact, developments within the buffer area may require an appropriate assessment as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and consultation with Natural England.

The report prepared for the determination of the outline application referred to the 12km buffer and an appropriate assessment was prepared at that time. This concluded there would be no likely significant adverse effects on the Singleton and Cocking Tunnels SAC, or bat species associated with the site and functionally linked habitats. Natural England provided further advice on this assessment and raised no concerns.

Recent case law from the High Court (2023) determined it may be necessary to apply the Habitat Regulations at each stage of a decision (such as at reserved matters stage as well as at the outline). In this application, it is clear that there are no new impacts that had not previously been accounted for (i.e. no new loss of vegetation or habitat) and that there has been no change in policy relating to the SAC. A further appropriate assessment is, therefore, considered unnecessary.

SUMMARY:

The principle of four dwellings on this site has already been established at the outline stage and the reserved matters details submitted in this application accord with the relevant development plan policies. It is recommended that the reserved matters be approved, subject to the following additional conditions alongside the conditions previously imposed on BN/144/22/OUT (as amended by BN/65/23/PL), which

still apply.

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

The site is in CIL Zone 3 and is liable for a CIL payment of £142,341.40 with 25% of this being allocated to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:

- C9_23_22_PL_100 Site Layout Rev C.
- C9_23_22_PL_110 Floor Plans Plot 1 & 4 Rev A.
- C9_23_22_PL_111 Elevations Plot 1 & 4 Rev A.
- C9_23_22_PL_112 3D Image Plot 1 Rev A.
- C9_23_22_PL_113 3D Image Plot 4 Rev A.
- C9_23_22_PL_114 Floor Plans Plot 2 Rev A.
- C9_23_22_PL_115 Elevations Plot 2 Rev A.
- C9_23_22_PL_116 Elevations Plot 2 Rev A.
- C9_23_22_PL_117 3D Image Plot 2 Rev A.
- C9_23_22_PL_118 Floor Plans Plot 3 Rev A.
- C9_23_22_PL_119 Elevations Plot 3 Rev A.
- C9_23_22_PL_120 3D Image Plot 3 Rev A.

C9_23_22_PL_121 Plans & Elevations Garage - Plot 1 & 4.
GS144.Nuthatch.LMP Version 3 Landscape Master Plan; and
GS144.Nuthatch.DPP version 3 Detailed Planting Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, QE SP1 and T SP1.

- 2 All activity at the site is to be carried out in strict accordance with the Arboricultural Impact Assessment & Method Statement by Arbortrack Systems Ltd (ref jwmb/rpt2/nuthatch/AIAAMS, dated 20/12/23) which includes a Tree Protection Plan (rev C) at Appendix A.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with Policies ENV DM4 and D DM1 of the Arun Local Plan.

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

- 4 No development above damp-proof course (DPC) level shall take place unless and until details of the location of one fire hydrant has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrant in the approved location to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 5 No development above damp-proof course (DPC) level shall take place until details of all boundary walls and fences have been submitted to and approved by the Local Planning Authority and no individual dwelling shall be occupied until such walls and fences associated with that dwelling have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 6 The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with Arun Local Plan policy D DM1.

- 7 The following windows shall at all times be glazed with obscured glass and non-openable below 1.7m above finished floor level. This arrangement shall be permanently retained thereafter.

- Plot 1's south-western first floor flank window (bathroom).
- Plot 2's southern first floor flank window (bathroom); and
- Plot 3's eastern first floor flank window (bathroom).

Reason: To protect the amenities and privacy of future residential occupiers in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 8 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

- 9 **INFORMATIVE:** Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department, WSFRS on the details given below:
Frs.waterandaccess@westsussex.gov.uk

- 10 **INFORMATIVE:** The applicant should note that this layout has been approved without agreement by Drainage Engineers to the scheme layout and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new reserved matters application (and potentially also a new outline or full application) will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non-Material Amendment process.

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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

BN/134/23/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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