

PLANNING APPLICATION REPORT

REF NO: Y/121/19/PL

LOCATION: The Steddles  
North End Road  
Yapton  
BN18 0DT

PROPOSAL: Demolition of existing dwelling & outbuildings & erection of 11 No. dwellings (net increase 10 units), access, landscaping & associated works.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The proposal is for 11 two storey dwellings (9 detached, 2 semi-detached) with improvements to the access. Plots 4, 5, 9 & 10 have single garages and plots 1, 2, 3, 8 & 11 have car ports. All houses have on-plot parking spaces. A cycle store is shown in each rear garden but no elevational details of are provided. The layout includes 3 visitor spaces. Boundaries will be formed by hedging and fencing. A new section of pavement is shown along half of the site frontage and this will be secured through a s.278 highway agreement.
SITE AREA	0.45 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	24 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	Small/medium-sized trees of low quality and landscape value to be felled to achieve the layout.
BOUNDARY TREATMENT	3m hedge to front, 1.8m stone walls to sides and ranch fencing to rear with vegetation and trees.
SITE CHARACTERISTICS	Detached dwelling with single storey side extension and modern editions. Large detached, traditional greenhouse to side and large rear/front garden. Set well back from road with shingle driveway. Flint and red brick walls with tiled roof. Well screened from road with only views available at the site entrance.
CHARACTER OF LOCALITY	Rural location, outside built up area boundary, small amount of detached houses on large plots with mature trees. The properties are set back from the road with off street parking and gardens to front.
	Located on the west side of North End Road in close proximity to the settlement policy boundary of Yapton, in an edge of village location and forming a linear pattern of development fronting North End Road. There are bus services along North End Road. Yapton has two GP surgeries, a pharmacy, two

churches, a village hall and playing fields, a primary school and a small selection of shops.

**RELEVANT SITE HISTORY**

Y/29/78/B	Conversion Of Barn Into Dwellinghouse And Garage	Passed 19-06-78
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The building is on the Council's historic Tithe maps (1836). It is clear from the planning history that it was a barn which was converted to a dwelling after 1978 (the applicant's heritage statement suggests this was in the 1980's) and has been extended on a few occasions.

To the east, lies Clay Farm which benefits from Y/83/19/OUT for 33 dwellings. To the south lies land to the north of the Yapton Primary School, allocated in the Yapton Neighbourhood Development Plan for residential development and benefits from Y/88/18/OUT for 38 dwellings Further north is land known as "Land at Street Buildings" which has an outline permission for 45 dwellings (Y/49/17/OUT).

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Yapton Parish Council

Object. Deeply concerned at losing large single dwelling plots to small housing schemes. Cannot see how to get around this unless the original house is retained and housing placed in the grounds.

1 letter of objection:

No obvious reason for house to be demolished and replaced by 11 dwellings - detrimental to locality.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. These issues are considered in the report conclusions.

**CONSULTATIONS**

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Environmental Health

WSCC Strategic Planning

Arboriculturist

Parks and Landscapes

Ecology Advisor

NHS Coastal West Sussex CCG

Sussex Police-Community Safety

**CONSULTATION RESPONSES RECEIVED:**

SOUTHERN WATER - no objection subject to the imposition of a condition and an informative.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

WSCC DRAINAGE & FLOOD RISK - no objection. State that:

- Current surface water mapping shows that the site is at low risk from surface water flooding;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- No ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the proposed site.

WSCC HIGHWAYS - objected due to inadequate information. Further information was submitted, including a Stage 1 Road Safety Audit & Designers Response, WSCC recommend conditions.

ADC DRAINAGE ENGINEERS - no objection subject to imposition of conditions.

ADC HOUSING STRATEGY & ENABLING MANAGER - no objection as number of dwellings does not trigger the Councils affordable housing policy.

ADC ENVIRONMENTAL HEALTH - no objections but request several conditions.

ADC TREE OFFICER - no objection subject to the imposition of conditions.

ADC LANDSCAPE OFFICER - no objection subject to the imposition of a landscaping condition.

COUNCILs ECOLOGIST - no objection subject to further bat survey. Mitigation/enhancement measures required, hedgerows must be retained and protected during development, the site should be checked for hedgehogs prior to commencement and there needs to be a net gain in biodiversity.

**COMMENTS ON CONSULTATION RESPONSES:**

COUNCILs ECOLOGIST - The final bat survey is booked in for 6th July and the report will be issued to the Local Planning Authority. This will be reviewed by the Council's ecologist and reported to the Committee. This needs to be resolved prior to determination and so cannot be subject to a condition. Biodiversity enhancement details have been received and agreed by the Councils ecologist.

<b>POLICY CONTEXT</b>
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Designation applicable to site:

Outside Built Up Area Boundary;  
Lidsey Treatment Catchment Area;  
Class B Road;  
CIL Zone 3; and  
Area of Special Control of Adverts.

**DEVELOPMENT PLAN POLICIES**

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
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
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

<a href="#">Yapton neighbourhood plan 2014 Policy BB1</a>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

#### 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
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

## **POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans 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 within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the Yapton Neighbourhood Development Plan and the Arun Local Plan should be resolved in favour of the latter.

Yapton Parish Council are working on a review of the Neighbourhood Plan, but have not reached the Regulation 18 stage in this process.

## **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 conflicts with the relevant development plan policies in that it would result in development outside of the defined settlement boundary in the Arun Local Plan & the Yapton Neighbourhood Development Plan (YNDP) and does not provide a Drainage Impact Assessment as required by policy W DM1 of the Arun Local Plan.

## **OTHER MATERIAL CONSIDERATIONS**

There are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section.

## **CONCLUSIONS**

**PRINCIPLE:**

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the YNDP and the Arun Local Plan, should therefore be resolved in favour of the latter.

Development policies that relate to the supply of housing in the Local Plan (C SP1, SD SP2) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). Policies in the YNDP that relate to the supply of housing (BB1, H1) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Para 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. Criteria (a) to (d) are not applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan:

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is in a sustainable location in walking/cycling distance of a range of shops, services, health and education facilities. Bus services enable access to Barnham railway station. Whilst the private car could be required for longer distances, future residents would not need to rely on a car to be able to live comfortably.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. As this site is outside the BUAB, it is in the countryside and the scheme would conflict with ALP policy C SP1.

Yapton Neighbourhood Development Plan (YNDP):

The YNDP was made in November 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Local Plan.

The YNDP includes a BUAB drawn round the edge of the settlement of Yapton which, save for allocations in the YNDP, broadly compared with that provided by the 2003 Local Plan. The BUAB in the ALP is different having been amended to include Yapton strategic allocation SD7, the approved development on the corner of North End Road & Yapton Road (Y/1/17/OUT), the approved development on North End Road towards Maypole Lane (Y/49/17/OUT) and the approved development on land east of North End Road (Y/80/16/OUT). The site is outside of the BUAB and classified as countryside.

Policy BB1 states development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. This 20% has been achieved through applications such as Y/1/17/OUT (56 dwellings), Y/44/17/OUT (70 dwellings), Y/49/17/OUT (45 dwellings), Y/80/16/OUT (100 dwellings), Y/18/20/PL (6 dwellings) and Y/83/19/OUT (33 dwellings).

Above and beyond this 20%, the policy states further housing development will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School

exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense. The applicant has not provided justification in respect of this matter but any approval would be subject to CIL and therefore, it would be possible for a portion of the required payment to go towards the funding of school improvements.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot demonstrate a 5-year Housing Land Supply (HLS) and para 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

In this instance, this means planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii) test will be applied at the end of this report.

The site location is environmentally sustainable in that it possible to walk, cycle or take a fairly regular bus service to access nearby shops, services, schools, places of employment and other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. It is acknowledged the development results in a loss of trees and some garden wildlife habitat. A landscaping scheme will secure replanting at a rate of 2 for every 1 lost and this alongside the wildlife enhancement measures are considered to offset any impact on the existing biodiversity. The proposal could help to support the local community by providing 11 family sized homes, CIL receipts could be used to contribute towards local infrastructure including the primary school as such, there could be a further benefit to the local community.

Other Material Considerations:

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

#### (1) The Councils Current Housing Land Supply (HLS) Position

On 12 February 2020, following appeal APP/C3810/W/19/3236911 a Planning Inspector considered the authority was able to demonstrate a 2.9 years HLS. The Council will update its position in December 2020. The Council needs to consider the effects of Covid-19 on the economy and housing market and it is not likely that the Council will be able to demonstrate a 5 year HLS by December.

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The site is not in the HELAA. However, the release of further land for housing helps to maintain delivery rates and this may have to include sites outside the built up area boundary. It would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

#### (2) Site Location



Although classified as countryside the land is in the residential curtilage of a dwelling and is classed as previously developed land. The site borders a dwelling to the north and on the opposite side of the road to the east. There is committed development to the west (for 33 dwellings) and south (38 dwellings). Further south is Stakers Farm with permission for 70 dwellings and further north/north west are land at Street Buildings (45 dwellings) & land to the South of Ford Lane/East of North End Road for up to 100 dwellings.

With the development of these sites there would be very limited harm to the character of the countryside if the site was developed. It is not enough to simply refuse an application on the grounds of being in the countryside without there being some form of demonstrable harm to the character or beauty of the countryside.

#### Conclusion on Matters of Principle:

This application should not be determined as being unacceptable in principle and that the development of this countryside site can be considered acceptable subject to assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

#### HERITAGE:

The Steddles is on the Council's historic Tithe maps produced in response to the Tithe Commutation Act 1836. The dwelling may have historic significance and whilst not statutorily or locally listed, should be considered as a Non Designated Heritage Asset.

ALP Policy HER SP1 states that development likely to prejudice heritage assets including Non-Designated Heritage Assets (NDHA) and their settings will be refused. It is also necessary to consider relevant policy guidance in the NPPF which sets out several steps when considering the impact on heritage assets.

Para 189 requires applicants describe the significance of the heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal (either no harm, less than substantial harm or substantial harm). Para 197 requires that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicant provided a Heritage Assessment that sets out that the house at the Steddles was converted from a barn in the 1980's and has been extensively extended, re-modelled and fenestration altered to create a large detached dwelling. The assessment considers that by virtue of the incremental extensions and changes to the property, any original features or character of the building have been eroded and the property appears wholly domestic. Furthermore, the grounds surrounding the property have taken on a residential character and use, mainly laid to lawn with domestic outbuildings. The Assessment concludes The Steddles no longer contributes to the historic character of the surrounding area and has very limited value as a non-designated heritage asset.

The assessment considers surrounding heritage assets and notes the presence of a nearby Grade II Listed building (The Old Cottage) however, this is around 200m to the north east and there are several residential properties inbetween. The assessment does not consider that the development would affect the setting of that Listed Building.



The proposal results in the total loss of this NDHA. However, the historical significance of the asset has been lost by the addition of extensions granted over the years and external changes to the setting. As such, there is no conflict with ALP policy HER SP1 or the guidance in the NPPF.

#### HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above and it is clear that they consider that the access arrangements are safe & suitable and that the traffic impact of the development will not be significant. An independent Road Safety Audit (RSA) has been carried out and the accompanying Designer Response (DR) comments set out how these situations will be mitigated or resolved. WSCC Highways have reviewed the RSA and the DR comments and have no objections. It is noted that many of the issues will be picked up at the detailed S.278 stage.

WSCC Highways do not consider that the proposals would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

The Council recently adopted a Parking Standards Supplementary Planning Document (SPD). This sets out a need for 24 allocated spaces and 2.2 (so 2) visitor spaces. The layout shows a total of 29 spaces including 3 visitor spaces. Plots 4, 5, 9 & 10 also have single garages but these appear to be under the required dimensions of 3x6m and so are counted as zero spaces. Nevertheless, the parking provision exceeds the requirements.

YNDP policy PK1 is relevant in respect of car parking and states that 3 bed houses need to have 2 spaces each and 4 bed houses need to have 3 spaces. These are the same standards as in the SPD and therefore there is no conflict with this policy.

ALP policies T SP1 T DM1 require development to reduce the need to travel by car and give priority to pedestrian and cycle movements. The site is located on a road with bus stops and it is possible to walk south to the Primary School or southeast into the centre of Yapton. The proposal shows new pavement along half the frontage. The block plans show a cycle storage shed to the rear of each dwelling which have sufficient space for cycle storage but as suggested by WSCC a condition will be added to ensure this. To accord with Policy T SP1 of the Arun Local Plan, the Arun Parking Standards SPD require a single cycle space for 1/2 bedroom houses and 2 spaces for 3+bed houses.

The proposal accords with the development plan policies and the guidance on highway safety within the NPPF.

#### CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. There are no relevant design policies in the YNDP.

Para 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered. Para. 130 states planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.

The proposal is for eleven houses, 2 no. 4-bed, 7 no. 3-bed and 2 no. 2-bed dwellings on a plot of previously developed land measuring 0.45 hectares. The scale of the development is responsive to the site's surroundings with a site density of 24 dwellings per hectare. This compares well with surrounding built/committed developments:

- Clays Farm - 19.8 dwellings per hectare.
- Land N of Yapton Primary School - 23.1 dwellings per hectare.
- Land East of North End Road (on the front of the Business Park) - 25 dwellings per hectare.
- Land South of Ford Lane/East of North End Road - 29 dwellings per hectare.
- Land at Street Buildings - 24 dwellings per hectare.

The development includes detached and semi-detached houses with varying roof forms and complimentary materials palette. Two properties are to the east of the access road, with three to the south and the remaining five properties forming a linear pattern to the west. Properties to the south have gardens orientated facing south, with the northern properties orientated east-west.

The architectural approach focuses on a traditional design with a simple appearance and a materials palette reflective of houses in the local area with either buff or red facing brick work, tile hanging to the gables and upper floors, and grey or red tiled roofs. Plot 1 has active frontages to North End Road and the access road internal to the site, with development informally following the T-shaped road layout. The elevations show the dwellings would vary between 8.5 metres and 9.2 m high. Roof forms vary from

gable to hipped, with plots 4 & 5 featuring cat slide roofs, which adds variety and interest to the street scene and reduces mass/bulk. The ridge height accords generally with built form in the vicinity.

House designs and site layout has led to a well-proportioned scheme, where plots compare favourably with nearby properties, and provide appropriate scale of development consistent with the surrounding form of residential development and provide much needed housing in the district without resulting in harm to the character of the area.

In this context, it is not appropriate to conclude the development harms the character and appearance of the locality. The proposal does not result in significant harm to the character of this part of Yapton and, on grounds of density, design/character, the proposal would not conflict with relevant development plan policies.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP 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 Council's emerging Design Guide completed its consultation stage (09/01/20 to 21/02/20) and sets out guidance on interface distances between houses. Distances between dwellings are given as:

Back to Back: min. 21m between habitable rooms of properties or to existing buildings;  
Back 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.

There are no standards given for either front to side or front to back and in these instances.

The location of the linear rows of houses achieves good sized gardens and appropriate separation distances between dwellings. Separation distances between the development and existing dwellings is sufficient to prevent overlooking or overshadowing of neighbouring properties. To the north-east St Mary's Vicarage is separated from plot 10 by a distance of approximately 25 metres and unacceptable overlooking or over shadowing would not occur. There are no properties to the south that would be affected by the proposals. Due to the orientation of the properties in the development and the separation distance across the access road overlooking in the site would also not occur. There are not yet firm layout proposals for the Clays Farm development to the west.

It is not considered the proposal would cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development.

#### SPACE STANDARDS

ALP policy D DM2 states: "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". The following is a breakdown of the proposed homes:

Plot	Unit Type	Internal Space	National Standard
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1 & 2	- 2S/3B6P	- 117.7m2	- 102m2
3	- 2S/3B/6P	- 117.3m2	- 102m2
4 & 5	- 2S/3B/5P	- 120m2	- 93m2
6 & 7	- 2S/2B/4P	- 87.7m2	- 79m2
8	- 2S/3B/6P	- 117.3m2	- 102m2
9	- 2S/4B/8P	- 135.1m2	- 124m2
10	- 2S/4B/8P	- 150.2m2	- 124m2
11	- 2S/3B/6P	- 117.7m2	- 102m2

There are no policies in the ALP relating to garden sizes but emerging Arun Design Guide sets out standards for garden sizes for houses consisting of a private rear garden min. 10.5m in depth; and a private front garden min. 2m in depth. All properties have sufficient front gardens but there is a shortfall in the depth of some rear gardens as follows: 1 & 2 - approx. 9m; and 3 - approx. 9.5m; 4, 5, 6, 7 & 8 - approx. 9m.

Notwithstanding, the 10.5m distance is partly to ensure a 21m back-to back distance between houses and there are no instances of this in the development. Gardens are at least as wide (sometimes wider) as they are deep and a good standard of amenity is provided. A condition removing permitted development rights for outbuildings and rear extension will be imposed to ensure any future applications for such can be determined with regard to the amount of amenity space.

#### SURFACE WATER DRAINAGE:

The site does not lie in an area at risk from flooding from rivers or from surface water flooding.

Policy W DM2 of the ALP ("Flood Risk") is therefore not relevant. Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

WSCC and ADC Drainage Engineers do not object subject to the imposition of a number of conditions should permission be granted. Therefore, there is no conflict with the relevant policies.

#### FOUL WATER DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that a drainage impact assessment is required for all major development and this has not been provided. However, it should be noted that the Councils planning application validation list only requires a Lidsey Foul Water Environmental Assessment Statement in cases where non-mains drainage is proposed and this application proposes a connection to mains drainage. It is also noted that Southern Water do not raise any objection and are content that foul drainage be agreed through a planning condition. Therefore, although there is conflict with policy W DM1, it is not considered that a refusal on this matter could be justified.

#### LANDSCAPE & TREES:

Para 127(b) of the NPPF requires that decisions ensure that developments are visually attractive as a result of effective landscaping. Policies D DM1 and D SP1 of the Arun Local Plan is consistent with paragraph 127 of the NPPF in that it requires the Council to have regard to hard and soft landscaping when assessing development proposals. Policy D SP1 of the Arun Local Plan also requires

development proposals to reflect the characteristics of the site and local area in their landscaping.

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

YNDP policy E4 states development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss.

The Council's Landscape Officer has no objections subject to a detailed landscape scheme to be conditioned. The Council's Tree Officer raises no objections on the basis that trees to be lost are small to medium-sized garden trees of low quality/landscape value. As trees to be removed are low quality and as these houses contribute to the Councils HLS shortfall, it is considered that their loss can be sustained with regards to policy ENV DM4.

The proposal complies with ALP policies D DM1, D SP1 & ENV DM4 and with YNDP policy E4.

#### BIODIVERSITY:

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

YNDP policy E3 seeks to prevent the loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by a Preliminary Ecological Appraisal Report which the Councils ecologist has reviewed. The report recommends a further bat roost survey be carried out and the ecologist advised this must be carried out prior to the determination of the application. An update on this will be provided before the Development Control Meeting.

In respect of biodiversity net gain, the ecologist sets out enhancements that should be provided but requested that full details of these be provided. The applicant has provided an ecological enhancement plan setting out proposals to provide compost & log piles, holes in fences for hedgehogs/small mammals to pass through, hedgehog houses, rough grassland, 3 types of bird box/nest and bat boxes. These measures will be enforced through a condition. The Councils ecologist stated these details meets policy ENV DM5.

Although it is accepted trees are to be felled, the scheme is judged, to provide a biodiversity gain. The proposal complies with the NPPF para 175, with ALP policy ENV DM5 and YNDP policy E3. It is recommended that conditions be imposed to ensure that the site hedgerows are protected, ensure that hedgehogs/small mammals are not adversely affected by site construction and ensure that biodiversity enhancement measures are implemented.

#### SUMMARY:

This application considers the development of 11 dwellings on land in the curtilage of a dwelling. The



principle of development is contrary to policies in the development plan but these policies have reduced weight as the Council are not able to demonstrate an adequate supply of housing land. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply and maintain/improve housing delivery rates.

This site was not put forward for consideration in the HELAA assessment but it is surrounded on three sides by built or committed residential development and is in close proximity to other recent approvals for residential development.

The material considerations set out in this report are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the development plan.

There are not any other issues as highlighted above which warrant a refusal and the proposal is therefore 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.

#### **SECTION 106 DETAILS**

Enter Summary of Details of the Section 106

#### **CIL DETAILS**

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £100,000 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended).



<b>RECOMMENDATION</b>
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## 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:

Plot 11 0019 Rev A; PV House 11 0019 Rev 03; House 1 plans 0004 Rev P03; House 1 elevations 0005 Rev P03; House 4 and 5 plans 0008 Rev P03; House 4 elevations 0009 Rev P03; House 5 elevations 0010 Rev P03; House 8 plans 0013 Rev P03; House 8 elevations 0014 Rev P03; House 9 plans 0015 Rev P03; House 9 elevations 0016 Rev P03; House 10 plans 0017 Rev P03; House 10 elevations 0018 Rev P03; House 11 elevations 0014 Rev P03; and Indicative drainage layout 0021 Rev P02.

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

- 3 The development must be carried out in accordance with the "Proposed Ecological Enhancement Plan" (drawing SDL-MHA-00-XX-DR-A-0023 Rev P0). The enhancements and mitigation measures shown on the drawing shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 4 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 5 No development (including vegetation/ground clearance) shall take place unless and until the site has been thoroughly searched for hedgehogs and any hedgehogs or other small mammals that are found should be relocated away from the construction site into surrounding habitats.

Reason: To safeguard resident hedgehogs & small mammals in accordance with Policy ENV DM5 of the Arun Local Plan and the NPPF. It is necessary for this to be a pre-commencement condition because the commencement of development could result in harm to any such animals living within the site.

- 6 No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how the existing hedgerows are to be retained, protected and enhanced. There must be a 5m buffer zone in place secured by fencing around the hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

Reason: Bats use the hedgerows for foraging and commuting and therefore in accordance

with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

- 7 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment & Method Statement, Ref: 1892, 15 December 2019.

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.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan 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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

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.

- 9 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert or other designated competent person representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the (Tree) Retention and Protection Plan, dwg. no. 1892-02.

Reasons: To comply with BS5837 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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 10 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. 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.

- 11 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.

- 12 Prior to the commencement of construction works, details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 13 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,

- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

14 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.

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 residents in accordance with Policies QE SP1 & QE DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

15 No development above damp-proof course (DPC) level shall take place until there has been

submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. 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 policy D DM1 of the Arun Local Plan.

- 16 No development above damp proof course (DPC) level shall take place unless and until a schedule of 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 visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 17 No development above damp proof course (DPC) level shall take place until details of all new screen walls and fences have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such screen walls/fences associated with them have been erected. The details to be provided shall also ensure that gaps are provided at the bottom of all boundary treatments in the locations indicated on drawing SDL-MHA-00-XX-DR-A-0023 Rev P01 to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

Reason: In the interests of amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local

- 18 No development above damp proof course (DPC) level shall take place unless and until details are provided and approved in writing by the Local Planning Authority to show how at least two of the 1/2/3 bedroom houses will be delivered to meet M4(2) and M4(3) of the Building Regulations 2010 (as amended). These particular dwellings shall thereafter be delivered in accordance with the approved details and these shall be maintained in good working condition thereafter.

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policy H3 of the Yapton Neighbourhood Plan.

- 19 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings 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.

- 20 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. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 21 No part of the development shall be first occupied until the vehicle parking (including the garage and car ports) and turning spaces have been constructed in accordance with the approved plan. These parking spaces, car ports and garages shall thereafter be retained for their designated use.

Reason: In the interests of road safety and to provide adequate on-site car parking & turning space for the development in accordance with Arun Local Plan policy T SP1.

- 22 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered 003 P06.

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

- 23 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, 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.

- 24 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained 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.

- 25 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.



Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice including policy ENV DM4 of the Arun Local Plan.

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

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

- 27 All bathroom, dressing room and toilet windows hereby approved shall be glazed with obscured glass and permanently retained thereafter.

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

- 28 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 29 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) there shall be no rear extensions or outbuildings constructed in the curtilages of plots 1-8 unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space in accordance with policy D DM1 of the Arun Local Plan.

- 30 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) there shall be no alterations to any of the approved car ports within the site (plots 1, 2, 3, 8, 11) unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain an adequate supply of parking spaces within the development in accordance with policy T SP1 of the Arun Local Plan.

- 31 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.

- 32       INFORMATIVE: This application is liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 33       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 which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 34       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.
- 35       INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 36       INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 37       INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 38       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. For further information, please contact the Environmental Health Department on 01903 737555.
- 39       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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> and a surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist>. The latter should be submitted with a Discharge of Conditions Application.

- 40      INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

**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](#).

**Y/121/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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