

PLANNING APPLICATION REPORT

REF NO: BN/39/20/PL

LOCATION: Land adjacent to Tars Farm House
Church Lane
Barnham
PO22 0DB

PROPOSAL: Erection of 4 No dwellings & associated works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to develop this site with 4 detached, four bed houses each with attached double garage and two on plot spaces in front of the garages. The site plan shows an attenuation drainage feature on the west side, new timber fencing/brick walls, block paving, granite sett rumble strips and bin stores. The landscaping drawing indicates 11 new trees, hedges and areas of wildflower planting. The TPO tree is retained alongside the access drive. The access point is retained but improved by removing the entrance steps and piers at the southern extent of the access to accommodate a 4.5m kerb radius.
SITE AREA	0.46 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	9 dwellings per hectare.
TOPOGRAPHY	The site slopes down significantly away from the level of Church Lane and bottoms out at the location of a small stream beyond the site boundary which runs roughly northeast/southwest. Beyond this stream, the land rises up again towards the edge of Barnham.
TREES	There are some small trees along the southwestern boundary but of most importance are the two large trees on the boundary with Fircroft, one of which (a Pedunculate Oak) is protected by TPO/BN/1/18.
BOUNDARY TREATMENT	A hedge varying in height between 1 and 3m to "Fircroft" to the northeast and a part close boarded fence, part hedge to the Cottage Piggeries to the southwest. There are no current boundaries for the north-western & south-eastern extents of the site.
SITE CHARACTERISTICS	Land to the northwest of Tars Farmhouse, a large sloping grassed field used for horse pasture with an access drive on the north-eastern side. The site excludes the existing house & gardens, a stable building in the northwest corner and a car parking area at the western end.

CHARACTER OF LOCALITY

Rural location with open fields to the west. Church Lane has a mix of detached properties of various styles and designs. Barnham railway station and other buildings forming part of Barnham/Eastergate are visible to the far northwest. There are three adjoining residential properties. Tars Farmhouse has two storeys and is side on to the site. It has some flank windows. Fircroft is two to two and a half storeys with principal windows looking over the site. The Cottage Piggeries to the south which has a large new house close to the road (on the same building line as the adjacent Birchwood House) with no first floor flank facing windows and a mobile home at the western end.

RELEVANT SITE HISTORY

BN/11/14/	Conversion of existing agricultural buildings to form 7 No stables, a farm office/tack room and 1 No foaling box.	ApproveConditionally 04-06-14
EG/64/12/	For a change of use for 33 acres of land adjacent to Tars Farmhouse from Agriculture to Agriculture and Equestrian. The construction of a 50m x 30m outdoor training arena (Menage) for the schooling of horses and ponies.	ApproveConditionally 16-04-13
BN/30/10/	Erect a new stable block, tack room and hay store (re-submission of BN/25/10/)	ApproveConditionally 02-02-11

A pre-application enquiry (February 2018) concerning the redevelopment of a larger part of this site with 8 houses. The stable block was to be retained with a reconfigured parking area. Advice given concluded that permission would be refused for the following reasons:

- Its location within the countryside coupled with the fact that the Council can demonstrate an NPPF compliant 5 year housing land supply and that the proposal is not small scale and thus does not accord with policy H2 of the BENDP;
- The scale and density of the proposed development in comparison to the character of this semi-rural location;
- The potential for harm arising from the current layout to the TPO Oak Tree; and
- The potential for harm to the local landscape.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

Barnham & Eastergate Parish Council object on the grounds of:

- (a) Site not allocated in Neighbourhood Development Plan (NDP) and was not considered in the NP Review as it was considered unsuitable;
- (b) Part of an area being put forward for designation as an Area of Special Character or to be added to the Conservation Area in part of Church Lane;
- (c) Conflict with NDP policies ES5 (Design) , ES6 (Character) & ES7 (Heritage Sites)
- (d) Major concerns re the traffic impact on an already over-used access road; and
- (e) This will set a precedent for further development.

16 letters of objection raising the following material planning considerations:

- (1) Increase in traffic creating disruption for existing road users;
- (2) Increased road safety issues particularly as no footway along Church Lane;
- (3) The Traffic monitoring equipment did not fully capture the usage of the Lane;
- (4) Increased flooding of Barnham Rife due to surface water runoff;
- (5) Church Lane regularly floods;
- (6) Proposed houses are substantial and will have a significant visual impact;
- (7) Harm to rural character;
- (8) Harm to heritage of Church Lane/Barnham;
- (9) Harm to wildlife using the site & adjacent Rife;
- (10) Increased noise & air pollution from new vehicle movements;
- (11) No need for further housing in the Barnham & Eastergate area;
- (12) This will lead to further development of Tars Farm with access from Marshall Close; and
- (13) Will set a precedent for further development of applicants land and other large gardens in the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the Parish Council:

- (a) this is noted and the principle of development is considered in the report conclusions;
- (b) It is noted there is a proposal for some form of heritage designation in this area but more work is required to justify this before the Council can either designate a new Area of Special Character or propose an extension to the Conservation Area. This could be considered by the NDP review but won't happen for a while and will involve a full assessment of the area and consultation. The Council tried to refuse residential development of a site in Flansham (Yapton) on the grounds of harm to the area as a heritage asset (despite no designations). Although the appeal (ref APP/C3810/W/19/3236911 - Y/20/18/OUT) was dismissed, costs were awarded against the Council in respect of the heritage concerns;
- (c) these policies are considered in the conclusions. For the above reasons, policy ES7 is not relevant;
- (d) highways issues are considered in the report conclusions; and
- (e) every application is determined with regard to its own merits therefore the presence of other development in the local area does not necessarily mean that additional development will go ahead.

In respect of the resident objections, points (1), (2), (4) - (7), (9) & (10) are considered in the report conclusions, points (8) & (12) - (13) are responded to above and the other points are considered below.

- (3) Noted - this has been accepted by WSCC Highways and no objections are offered in respect of this point; and
- (11) There is a significant housing land supply shortfall in the District with the Council able to demonstrate 2.9-years out of the required 5. Land needs to be found for additional housing preferably in sustainable locations where people have the ability to walk or cycle to access facilities.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Southern Water Planning

Parks and Landscapes

Ecology Advisor

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection subject to an informative regarding the foul sewer connection.

WSCC HIGHWAYS - Advise no objection subject to conditions. Detailed comments on the website but in summary:

- Church Lane is a low trafficked, unclassified road subject to a 30-mph speed limit;
- The applicant proposes to improve the current access without altering the access dimensions and the proposed works are considered to be an improvement on the existing situation;
- A 7-day road speed survey determined that the road speeds in the Northbound direction are 26.6 mph and the southbound direction are 28 mph;
- Visibility splays of 2 x 36m (N) 2 x 54.4m (S) are proposed and these are acceptable;
- No record of accidents in the vicinity of the site access;
- Comment that there is a 4 parking space shortfall but that a refusal on this basis would be difficult to defend;
- Garages and parking bays are of sufficient size;
- On-site turning is provided but it is not clear if this is suitable for fire access; and
- No waste provision is indicated and this should be clarified.

ADC DRAINAGE ENGINEERS - Recommend conditions. State that:

- The Flood Risk Assessment summarises site investigations including groundwater monitoring and infiltration testing;
- This shows that groundwater is too high & infiltration rates so low as to make infiltration unviable;
- Therefore attenuation with a restricted discharge to the Barnham Rife is the most appropriate surface water drainage strategy;
- The proposed open storage basin will provide an adequate level of water treatment; and
- The applicant will need to apply for an Activity Permit from the Environment Agency to gain permission to discharge to the Barnham Rife.

ADC ENVIRONMENTAL HEALTH - No objections. Recommend conditions regarding contamination, noise protection measures (due to the railway), odour protection (due to the stables), electric vehicle charging and construction management.

COUNCILS ECOLOGIST - No objection subject to receipt of details of biodiversity net gain. Request conditions to cover lighting, protection/enhancement of hedges, 5m buffer zone to the Rife, reptile mitigation measures, nesting birds, measures to ensure safety of badgers during construction and

checking the site for hedgehogs before construction commences.

COMMENTS ON CONSULTATION RESPONSES:

WSSC HIGHWAYS - In respect of servicing, the submitted Transport Statement (TS) states that the existing access already accommodates HGV movements associated with the equestrian use at the rear of the site. Further, that the proposed development has been tracked for refuse vehicles. This is demonstrated by a drawing in the TS. The Council will seek to obtain advice from its waste authority and report this to the Committee by update. In respect of the parking shortfall, it is the Planning Authority's opinion that there is only a shortfall of 0.8 spaces so not 4 as advised by County. This is also set out in the conclusions section.

COUNCILs ECOLOGIST - It is not possible to impose a condition to protect birds nests as this is covered by separate legislation and fails to meet the 6 tests as per para 55 of the NPPF. A condition preventing works within 5m of the Rife is not necessary as the site is at least 15m from the Rife with an existing car parking area in between. The applicant provided an ecological enhancement plan and the Ecologist states this demonstrates biodiversity net gain and should be conditioned.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Lidsey Treatment Catchment Area;
Area of Special Control of Adverts;
TPO/BN/1/18;
CIL Zone 3; and
Current/Future Flood Zones 1.

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
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air 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
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

<u>Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES2	Water courses
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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.

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 results in development outside of the defined settlement boundary in the Arun Local Plan and therefore conflicts with this plan. However, there is no conflict with the Barnham and Eastergate Neighbourhood Development Plan as this allows for small scale infill development across the plan area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan as detailed in the conclusion section.

CONCLUSIONS

PRINCIPLE:

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 BENDP that relate to the supply of housing (H2) has 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 as the walking/cycling route to the railway station in the centre of Barnham is about 600m. There are schools and shops in this location. Buses stop on the Yapton Road enabling access to Yapton, Walberton, Westergate, Eastergate, Barnham and Bognor Regis. 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.

Barnham and Eastergate Neighbourhood Development Plan (BENDP):

The BENDP was made in July 2014 on the basis of saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The BENDP does not set a built up area boundary and policy H2 simply states that "Permission will be granted for small residential developments on infill and redevelopment sites within the parishes subject to the policies of this plan being met." The policy does not define what is considered small and the proposal would be in accordance with this policy and therefore that there would be no conflict with this policy.

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.

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), 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.

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. In February 2020, the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The above appeal position reflects this buffer.

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 release of further land for housing will help 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.

This site (ref 45) is shown in the 2019 HELAA and considered to be developable and suitable in principle for future housing potential because of its accessibility to facilities, job opportunities & public transport and because there are no insurmountable constraints.

(2) Site Location

Although classified as countryside, the site is immediately adjacent to a dwelling (Tars Farm House) and there are further dwellings and their curtilages on two sides. There is an extant permission for a further dwelling (to replace a mobile home) at the rear of the adjacent Cottage Piggeries site.

Conclusion on Matters of Principle:

The principle of development is contrary to the policies in the development plan. The policies of the ALP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Although there is no conflict with the BENDP, those policies that relate to the supply of housing have even less weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

This application should not be determined as being unacceptable in principle and 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.

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 respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". 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 raise no objections and 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, the proposal is not contrary to the NPPF (para 109), and 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 12 allocated spaces (3 x 4) and 0.8 visitor spaces. The layout shows a total of 16 allocated spaces but this is reduced down to 12 as 8 of the spaces are garages. There is no visitor parking provision shown and as such, there is an under provision of 0.8 parking space.

Policy GA4 of the BENDP states that "Development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity."

The proposal is in conflict with both the Arun Parking Standards SPD and BENDP policy GA4. As the shortfall is not significant and as the actual visitor requirement is not a whole space (with nothing in the SPD to say this be rounded up), it is not considered that permission should be refused on this basis.

ALP policies T SP1 & T DM1 require development to reduce the need to travel by car and give priority to pedestrian and cycle movements. As discussed elsewhere, this site is in an accessible location. It is indicated that cycles will be stored in double garages and a condition will be imposed to ensure this. To accord with Policy T SP1 of the Arun Local Plan, the Arun Parking Standards SPD requires 2 spaces for 3+bed houses.

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

DESIGN, CHARACTER & VISUAL AMENITY:

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. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local 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. BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of

new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (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)."

The scheme has been designed to ensure it is in keeping with the character of Barnham and that it responds positively to the edge of settlement setting. The previous pre-application enquiry for 8 dwellings was turned down partly on the grounds that the scale & density of the development was not in character with the surrounding spacious/low density character of the semi-rural location.

The applicant has taken this advice on board and proposed a spacious low density scheme of 4 dwellings which reflects the character of the surroundings. The dwellings are consistent in form and appearance with each dwelling being both symmetrical and balanced in elevational profile. The proposal includes bays and gables to create a degree of variation to reflect the informal nature of the layout. The proposal includes two distinct forms of dwellinghouse:

- Plots 1 & 4 have a fully hipped main roof with twin forward projecting gables. The recess formed between the gables is covered by a mono-pitched roof to create a central porch; and
- Plots 2 & 3 also have a fully hipped main roof with a centralised projecting bay over two storeys.

The dwellings are traditional in character which is achieved through the use of appropriate materials and architectural detailing.

The development will not harm the character and appearance of the locality and does result in significant harm to visual amenities of the site/surroundings. The proposal complies with the 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.

The houses are well spaced out and easily achieve these distances. The placement of houses ensure

sufficient spacing to existing adjacent dwellings. New hedges are proposed to gardens which screen out views at ground floor level and mitigate noise disturbance. The proposal does not cause harm to the amenities of neighbouring occupiers or to those of the future occupiers of the development and the proposal is in accordance with the relevant policies.

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". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The homes are have two storeys with 4 bedrooms accommodating up to 7 people per house. As such, the requirement would be 115m². All homes have a floor area exceeding 200m² (200.5m², 200.5m², 214m² & 219m²) therefore all exceed the required standard.

There are no policies in the ALP relating to garden sizes. The 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 more than sufficient front/rear gardens and there is no need to restrict permitted development rights for outbuildings and rear extensions.

SURFACE WATER DRAINAGE & FLOODING:

Notwithstanding concerns of local residents, according to Council records, the site does not lie in an area at risk from current or future flooding. The nearby Rife is at high risk of flooding but due to topography, the site is not affected by this. Church Lane is noted as being at risk of surface water flooding but again this does not impinge on the site.

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." BENDP Policy ES1 requires that development reduce the overall level of flood risk in the area and that conditions be imposed to ensure an effective surface water drainage scheme.

The Council's Drainage Engineers do not object subject to the imposition of conditions to ensure that any surface water from the site does not adversely affect flooding in the Rife or on Church Lane. On this basis, there is no conflict with the relevant policies.

LANDSCAPE & TREES:

Para 127(b) of the NPPF requires decisions ensure that developments are visually attractive as a result of effective landscaping. Policies D DM1 and D SP1 of the Arun Local Plan are consistent with paragraph 127 of the NPPF in that they require 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: "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 now and as they reach maturity unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

Policy ES10 of the BENDP states: "Development that damages or results in the loss of ancient trees or trees or hedgerows of arboricultural and amenity value will not be supported. Development proposals must be designed to retain ancient trees or trees or hedgerows of good arboricultural and amenity value. A minimum buffer of at least 15 metres in width should be maintained between ancient woodland and any development boundary; Proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained; Plans for tree planting on new developments of more than 3 dwellings or commercial developments over 300 square metres must anticipate the effects of climate change."

The existing TPO tree is not directly affected. The road layout adjacent to it remains the same but is to be re-laid and this will be carried out using a no-dig construction method and a cellular confinement system placed just above ground level. No other trees are affected by the proposals. The proposal includes a landscape scheme which has a sufficient level of detail to not warrant the imposition of a landscaping condition. 11 new trees are proposed as well as hedges and wildflower planting. Standard tree protection conditions are to be imposed to ensure the development proceeds in accordance with the Tree Protection Plan.

The submission includes a Landscape & Visual Impact Assessment which concludes that:

- The development results in landscape effects ranging from 'no adverse or significant landscape effects' to 'a minor adverse but insignificant landscape effect';
- The development results in visual impacts ranging from 'no adverse or significant' to 'moderate adverse but insignificant';
- There are no significant landscape or visual effects arising from the development; and
- Although the proposals seek to develop a green field site, there is the infrastructure and capacity to integrate the development into the landscape in a way that offers improvements.

As no trees are to be removed, as the TPO Oak tree is to be protected, as there will be no significant landscape impact and as a landscaping scheme has been provided, it is considered that their the proposal complies with ALP policies D DM1, D SP1 & ENV DM4 and with BENDP policy ES10.

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)."

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 and a separate Water Vole

Survey Report and the Council's ecologist has reviewed these and advises of no objections subject to conditions to secure various mitigation measures.

In respect of biodiversity net gain, the ecologist sets out enhancements that should be provided but requested that details of these be provided. The applicant provided an ecological enhancement plan setting out proposals to provide bird boxes, bird & bat bricks, hedgehog houses, hedgehog holes in boundary treatments, log piles and various landscape treatments. These measures will be enforced through a condition. The Council's ecologist raises no objection subject to conditions being imposed.

The scheme provides a biodiversity gain and the proposal complies with the NPPF para 175 and with ALP policy ENV DM5. It is recommended conditions be imposed to ensure hedgerows are protected, that lighting proposals do not adversely affect bats, that reptiles/badgers/hedgehogs/small mammals are not adversely affected by construction and biodiversity enhancement measures are implemented.

CLIMATE CHANGE/SUSTAINABLE CONSTRUCTION:

ALP policy ECC SP2 requires that new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application does not set out any response to these policies. Conditions will be imposed to (a) require electric vehicle charge points and (b) details of measures to achieve energy efficiency measures. On this basis, it is considered that the proposal complies with policies ECC SP1 and ECC SP2.

THE NPPF PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

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. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental objectives should be sought jointly and simultaneously through the planning system. The following is an assessment of the benefits and costs associated with the proposal.

The site is environmentally sustainable in that it is possible to walk, cycle or walk then take a bus to access nearby shops, services, schools, places of employment, a railway station & other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car.

The development results in the loss of a grassed field. The application proposes 11 new trees, new hedges, wild flower planting and other ecological enhancement measures to offset any impact on the existing biodiversity.

The proposal could help to support the local community by providing 4 family sized homes to help meet future needs. CIL receipts could also be used within the Parish Council area to contribute towards local infrastructure needs therefore, there could be a further benefit to the local community.

Para 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report finds no significant adverse impacts associated with the proposal and there are significant benefits to take account of. Therefore the presumption in favour of sustainable development is engaged.

SUMMARY:

This application considers the development of 4 dwellings on land associated with an existing dwelling and equestrian business. 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 considered in the HELAA to be developable and suitable in the future for residential development. It is also surrounded on three sides by built or committed single residential dwellings.

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.

CIL DETAILS

This is a CIL Liable development. It is located in Zone 3 and as a result a CIL amount of £146,700 is payable unless the applicant subsequently applies for an exemption subject to the requirements of the CIL Regulation 2010 (as amended).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans

Location Plan dwg 2.29 Rev B;
 Site Plan dwg 2.20 Rev B;
 Landscape Proposals Planting dwg 2009-TF-00-00-DR-L-1001 Rev 02;
 Plots 1 & 2 Proposed Floor Plans dwg 2.21;
 Plots 3 & 4 Proposed Floor Plans dwg 2.22;
 Elevations Plot 4 dwg 2.23;
 Elevations Plot 2 dwg 2.24;
 Elevations Plot 3 dwg 2.25;
 Elevations Plot 4 dwg 2.26 Rev A;
 Garages Plots 1 & 3 Floor Plans and Elevations dwg 2.27; and
 Street Scenes dwg 2.28.

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 Clearance of the site should only be conducted during the period of the year that reptiles are active (Mid March to Mid October) and supervised by an ecologist. Any vegetation to be removed shall be cut down to 10cm prior to any works taking place. Any dead wood, or rubble piles should be dismantled by hand and relocated elsewhere on the site.

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

- 4 The development must be carried out in accordance with the submitted "Ecological Enhancement Plan" and "Ecological Enhancement Specification" both received 06/08/20. The enhancements and mitigation measures shown on the drawing shall be implemented in full prior to occupation of any of the houses and permanently maintained as fit for purpose.

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

- 5 No construction / demolition 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 work on Sunday or Bank Holidays.

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

- 6 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.

- 7 No development shall commence until an acoustic assessment has been undertaken to determine the impact of noise from the nearby railway line. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of aural amenity within habitable rooms and in garden areas shall be submitted and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. The assessment and mitigation scheme shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings. The scheme should take into account the correct number of air changes required for noise affected rooms.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This is required to be a pre commencement condition because it is necessary to ensure that noise mitigation measures are built into the construction of the houses.

- 8 No development shall commence until an odour assessment has been undertaken to determine the impact of odour from the nearby livery stables and other rural activities. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of amenity within habitable rooms and garden areas shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. The assessment shall be conducted by a suitably qualified odour assessor and be carried out in line with the Institute of Air Quality Managements 'Guidance on the assessment of odour for planning.'

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This is required to be a pre commencement condition because it is necessary to ensure that odour mitigation measures are built into the construction of the houses.

- 9 All activity at the site is to be carried out in strict accordance with: - Arboricultural Implications Assessment and Method Statement, Ref: 181087-AIA (27/02/19).

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.

- 10 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. ECO 3 (Appendix 1 of the Arboricultural Implications Assessment and Method Statement, Ref: 181087-AIA, 27/02/19).

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.

- 11 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.

- 12 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.

- 13 No development shall commence until details of fencing (including erosion guards) set 5m back from the edge of the Rife have been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall thereafter be implemented in accordance with the approved details and retained in good working order throughout the construction of the development site.

Reason: Water voles use the Rife and therefore this is 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 Rife must be protected prior to construction starting.

- 14 The use of the access for the new dwellings shall not commence until visibility splays of 2 x 36 metres (Northbound) & 2 x 54.4 metres (Southbound) have been provided at the proposed site vehicular access onto Church Lane in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.9 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

- 15 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.

- 16 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 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

- 17 No external lighting shall be installed on site until plans showing the type of light appliance, the

height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme 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.

- 18 None of the houses shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order 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.

- 19 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.

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

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.

- 21 There shall be no occupation of the new dwellings until the vehicular access serving the development has been upgraded in accordance with the approved site plan.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

- 22 No part of the new development shall be first occupied until the garages and car parking spaces have been constructed in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. These spaces shall always thereafter be kept for their designated use.

Reason: To provide car-parking spaces for the development in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

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

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

- 24 No part of the new development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for its designated use.

Reason: In the interests of road safety in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

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

Reason: To protect the amenity of local residents in accordance with Policy QE 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 During the construction phase, any trenches within the site must be either covered with something rigid overnight or a means of escape made available and all hazardous chemicals must be securely stored away so animals cannot access them.

Reason: To safeguard badgers and other small mammals in accordance with Policy ENV DM5 of the Arun Local Plan and the NPPF.

- 28 All bathroom 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.

- 29 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.

- 30 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 31 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. 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>.
- 32 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> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 33 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.
- 34 INFORMATIVE: The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence. Please see the following link on details pertaining to the licence application process: <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>. Online applications can be made at the link below, alternatively please call 01243 642105. <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>
- 35 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

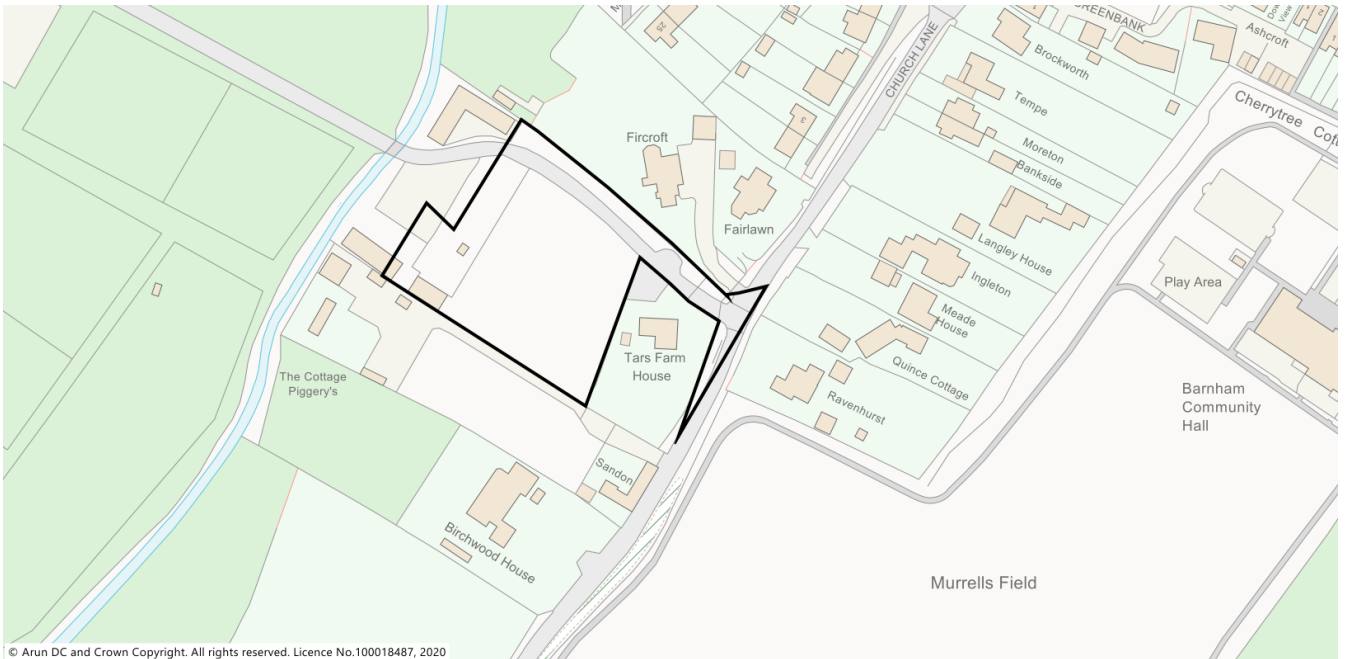
between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 36 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.

BACKGROUND PAPERS

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

BN/39/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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