

Recommendation Report for Planning Permission

REF NO:	AB/88/19/PL
LOCATION:	Land at Electricity Sub Station Ford Road Arundel BN18 9DX
PROPOSAL:	38 No residential apartments (9 No 1-bed units & 29 No. 2-bed units) along with access, off-street parking, amenity space & enhancements to the local footpath network.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the erection of 38 No. residential apartments (9 No 1-bed units & 29 No. 2-bed units) along with access, off-street parking, amenity space & enhancements to the local footpath network. The proposed apartments would be in two buildings at a maximum of 2-3 storeys in height with surface and undercroft parking, together with landscaping and amenity areas. All apartments would be self contained and accessible by stairs and lifts.
SITE AREA	The site is 0.43 hectares in size.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	88 dwellings per hectare.
TOPOGRAPHY	Slopes gently to the South and Arun River.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundary of the site adjacent to Ford Road consists of a mixture of hedgerow, trees and 1.8m high wire fencing.
SITE CHARACTERISTICS	The application site comprises a redundant former gas works which has recently been cleared. No trees have been felled as a result of this clearance. The site slopes gently from Ford road to the south down to the river Arun and at its most southerly point has a ground level below the Arun river bank.
CHARACTER OF LOCALITY	The site itself is abutted by the gable of an existing two storey terrace of housing (known as California Terrace). To the north east and south are areas of open land which form part of the floodplain of the River Arun which lies beyond. The site is located partly within Flood Zones 2 and 3. Arundel Cemetery is then located opposite the site on the north-west side of Ford Road. The site fronts onto Ford Road adjacent to residential

properties. These have a uniform character consisting of 2 storey terraced properties with long rear gardens stretching down the slope toward the Arun river. The site overlooks the cemetery in Arundel on the northern side of Ford road.

The area is located close to the A27 and the roundabout on the west side of Arundel around 500m from Arundel Town Centre. The Arun river is to the south of the site beyond a public footpath.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

The Committee had no objection to the application but considered that double yellow lines should be installed along this section of Ford Road to facilitate unimpeded visibility and the free movement of traffic.

6 Letters of representation were received with 4 objecting to the proposal and 2 outlining some concerns.

The main points raised are:

- Contaminated land.
- The site is in a flood plain.
- No affordable housing being provided.
- Light pollution will result.
- The development is too high
- The land is good quality agricultural land.
- The land is open countryside and part of the setting of historic Arundel.
- Congestion by parked cars on Ford Road.
- The site will be detrimentally cleared of vegetation before permission has been granted.

COMMENTS ON REPRESENTATIONS RECEIVED:

Site clearance of low level scrub took place in November 2019, undertaken by the current site owner. This observed both the recommendations of an Extended Phase 1 Ecological Assessment, published in February 2019 and those of the Ecologist who stated that clearance should take place outside of the bird nesting season ending on 1st October.

Ecologist has raised no objection subject to ecological enhancements relating to bat boxes.

The other comments made in the representations are addressed below in the conclusions section of the report.

CONSULTATIONS

Highways England

WSCC Strategic Planning

Environment Agency

Natural England

Surface Water Drainage Team

Environmental Health
Parks and Landscapes
Arboriculturist
Southern Water Planning
Planning and Housing Strategy
Sussex Police-Community Safety
NHS Coastal West Sussex CCG
Engineering Services Manager
Engineers (Drainage)
Archaeology Advisor
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Arun District Council drainage officer - No objection subject to conditions.

West Sussex County Council Lead Local Flood Authority - No objection. In agreement with ADC engineers.

Environmental Agency - No objection subject to the imposition of conditions.

The EA response to this application is on the understanding that Arun District Council is satisfied that the Sequential test has been adequately demonstrated to the requirements set out in the national Planning Policy framework (NPPF).

Tree Officer - Recommends approval subject to conditions.

WSCC Highways - No objection subject to conditions and provision of yellow lines on section of Ford Road adjacent to the site.

WSCC Planning Services Division - No objections subject to a s106 agreement to provide infrastructure improvements.

Landscape Officer - No objection subject to the submission and approval of a full landscape scheme.

WSCC Public Rights of Way - Public Right of Way (PROW) Footpath 3080 will be directly affected by the proposed development as it is proposed to be used for vehicular access to the proposed development site.

Highways England - No objection.

Archaeological Officer - No objection.

Southern Water - No objection.

Local Policing Support Team - No objection.

Ecology Officer - No objection subject to conditions.

ADC Viability Consultants - The latest information received regarding the submitted build costs appears to support the applicant's assertion that the introduction of affordable housing would reduce viability to a likely unacceptable level.

ADC Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Flood Zones 2 & 3

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
SDSP2	SD SP2 Built-up Area Boundary
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Arundel Neighbourhood Plan 2014 POLICY1:](#) The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY 3: Housing Supply

Arundel Neighbourhood Plan 2014 POLICY 4: Housing Site Allocations
Arundel Neighbourhood Plan 2014 POLICY 6: Transport, Access & Car Parking

SUPPLEMENTARY POLICY GUIDANCE:

ADS The Arundel Design Statement by Arundel Town Council

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.

Arundel has a made Neighbourhood Development Plan (ANP) and the relevant policies within it have been taken into account.

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 is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS**PRINCIPLE****Arun Local Plan**

The key Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), SD SP1 (Sustainable Development), AH SP2 (Affordable Housing), ECC SP1 (Adapting to Climate Change), QEDM3 (Contamination), WDM2 (Flood Risk) , WDM3 (Sustainable Urban Drainage Systems) of the Arun Local Plan.

Arundel Neighbourhood Plan

Policy AR1 and Policy 1 which set out the Built Up area boundary for Arundel which includes the site and states that planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Policy 3: Housing Supply states that the Neighbourhood Plan provides for the development of a minimum of 60 homes for completion in the period from 1 April 2014 to 31 December 2029 on sites allocated and identified for future allocation in policy 4.

Policy 4: Housing Site Allocation states that land at Ford Road is identified for future allocation through

plan review, following the flood risk Exception Test being passed, and subsequently to be delivered in the period 2020-2029.

As stated above the site is an allocated site subject to the drainage exception test being passed. As outlined below in the drainage section of this report this test has now been passed and being an allocated site it satisfies the principle of development on drainage grounds.

VISUAL AMENITY & DESIGN

Policy D SP1 of the Arun Local Plan requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan requires development proposals to have regard to character, appearance/attractiveness, density and scale.

The Arun Design Guide SPD 2020 provides detailed guidance that will raise design standards across the District, ensuring that only the highest quality development is delivered. The Design Guide will promote good design for all development types across the District, based upon a set of key overarching design objectives (Section A.06) which provide the basis for a number of masterplanning principles, as well as step-by-step guidance on how these can be applied to specific interventions and development types.

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.

It is accepted that the general form, scale and mass of the proposal is acceptable. Two apartment blocks are proposed ranging in height from 2.5 storeys at the front of the site (Ford Road) to 3.5 storeys at the rear with the ground floor level comprising bin and cycle storage and undercroft flood storage voids. The proposal comprises of 9 x 1 bedroom and 29 x 2 bedroom apartments.

The proposed design ensures that it is reflective of the appearance and scale of the residential properties elsewhere on Ford Road. Whilst the proposal comprises a development of 38 apartments the street fronting block has been designed to reflect the domestic scale of the adjacent houses to the south west, a Victorian terrace known as California Terrace.

The northeast corner of the front elevation has been redesigned to reflect the fall in levels along Ford Road and creates an appropriate corner feature at this point. End gables are hipped, a common feature found in the adjacent terraces, with feature straight gables introduced to frame the main pedestrian entrance way on the front elevation.

The proposal here is limited to 2 storeys with dormer roofs and occasional rooflights serving an additional 'attic' floor set within a steep, plain tiled roof. Ridge and eave heights are similar to those on the adjacent terraces. Brick or stone lintol details are incorporated at the heads of windows and decorative roof ridges are incorporated onto the front block. These decorative ridge tiles reinforce the association with the Victorian style on Ford Road.

Some decorative brick detailing has been introduced on the street elevation as well as a few decorative chimneys which are a common feature in the area. Balconies are incorporated onto apartments facing north toward the A27 and the south-eastern elevation facing toward the river. A landscape screen along the south- western boundary minimises the impact onto No. 1 Ford Road.

This block fronting Ford Road has also been set back from the street to match the building line of the neighbouring properties. The frontage is also defined by proposed railings and managed hedgerows which is similar to the frontage of the cemetery directly opposite the site and helps to soften and assimilate the development into the street scene. At the mid-point of the frontage a principal pedestrian access has been incorporated providing access to the apartment building at the rear via a raised deck.

Away from the road frontage the site levels drop by around 2m. Eave height is lowered at this point to coincide with the reduction of the natural ground level. This drop in levels facilitates the provision of an undercroft area away from Ford Road that accommodates a proportion of the car parking on site along with bin storage, service areas and secure parking for bicycles. This helps the residential element of the development to be elevated so as to address flooding concerns across the site.

The drop in ground levels at this point means that long views towards the Cathedral are undisturbed as is the impact on the setting of the South Downs National Park to the north from the erection of the development in compliance with policies LAND DM1 and LAND DM2 of the ALP.

With parking located at the rear and in the undercroft car park these two apartment blocks would be the main focus of views into the site from the surrounding public realm.

This design approach, using the levels of the site to provide basement level parking and flood storage voids, sees the height of the building increase from 2.5 storeys to 3.5 storeys from the front of the site to the rear. The split of the proposal into two distinct blocks however reduces the bulk of the development.

At the junction of the upgraded access onto Ford Road the proposed building footprint turns through 90 degrees and continues along the line of the public footpath. The built form continues along this boundary up to the point of access where space is allowed for turning larger service vehicles. This vehicle entrance is located close to the refuse collection point and cycle stores. This north-eastern elevation sees the introduction of a variation to the style of the fenestration and the introduction of an element of dark grey horizontal weatherboarding which is a move away from the 'Victorian street' to a more 'rural' character.

The principal material used in the facades of both buildings is a red sand-faced multi facing brick under a brown plain clay tiled roof. The palette of materials proposed for this development is considered to be in keeping with the character of the wider locality and are considered acceptable.

The proposal complies with the ten characteristics of good design in the National Design Guide in that:

1. Context - The site is in a sustainable location. The site will become an allocated site once the flood risk exception test has been passed. The proposal will respect surrounding built development in terms of density, layout, form, scale, appearance, details, and materials;
2. Identity - The proposed scheme respects and harmonises with the surrounding built development;
3. Built Form - The proposed scheme has a legible layout and reflects basic 'secure by design' principles;
4. Movement - The proposed scheme respects surrounding footpath networks and is safe and accessible for all;
5. Nature - An oak tree to the rear of the site has been TPO'd. Bat boxes will be available to encourage on site biodiversity along with other enhancements recommended by the Council's Ecologist;
6. Public Spaces - Public open space will be provided on the site.
8. Homes & Buildings - The dwellings are well-related to external amenity and public space and will be built to the national space standards;
9. Resources - The layout will pay regard to the need to maximise solar gain and prevent overlooking & overshadowing. The apartments will also be built to a high standard of sustainable construction; and
10. Lifespan - The apartments will be built to last using high quality materials and will allow for future home working/other changes in personal circumstances.

The proposal would comply with the The Arun Design Guide SPD 2020 and its key design objectives as well as with the specific advice for Arundel in terms of Landform & Landscape, Layout & Townscape, Built Form & Massing, Public Realm and Materials & Details.

The proposal would not result in significant harm to the character of this part of Arundel and, on the grounds of density and character, the proposal would not conflict with development plan policies

The proposal is considered to accord with design policies D SP1 and D DM1 of the Arun Local Plan and the emerging Arun design guide.

RESIDENTIAL AMENITY

Policy QE SP1 and D DM1 of the Arun Local Plan requires development to not have a significantly negative impact upon residential amenity.

The nearest neighbours with the potential of being affected by this proposal are the terraced properties to the north-west and these are approximately an acceptable 25m away from the nearest section of the proposed apartment block.

No windows are proposed in the south-western elevation of apartment block 1 and additional planting has been included along this south-western common boundary to minimise the overlooking of private rear gardens of the existing terraced properties. As a result, due to the angles and distances involved, the proposal will not lead to a significant loss of privacy or overlooking. No other neighbouring dwellings would be affected by the proposal.

It is not considered there will be any adverse residential amenity impacts to neighbouring properties or to the occupiers of the proposed new flats and that therefore, the proposal complies with ALP policies D DM1 and QE SP1.

At present there are no policy standards for outside amenity space for proposed residential development.

In terms of amenity space provided for future residents the scheme provides a variety of communal spaces along the south-eastern and north-eastern boundary as well as an amenity deck linking both apartment blocks. Balconies are also proposed for units on the north-east and south-east elevations.

In addition open spaces lie within a short walk of the site on the northern side of Ford Road and along Arun River.

On this basis the outside amenity space available is acceptable.

COMPLIANCE WITH INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Apartments are classed here as 1 storey dwellings in terms of space standards. 1 bed apartments must exceed 39 sqm for 1 person and 50 sqm for 2 people. 2 bed apartments must exceed 61 sqm for 3 people and 70 sqm for 4 people.

From the floor plans submitted with the application all the 1 bed apartments would satisfy the space requirements for 2 people. However 8 of the 2 bed apartments would fall just below the space standards requirements for 4 people.

The following would fall just below the 70 sq.m required:

- Ground Floor, apartments G1 (2 bedroom of 69.4sqm), G7 (2 bedroom of 66.4sqm) and G8 (2 bedroom

of 67.8sqm)

- First Floor, apartments F5 (2 bedroom of 68.5sqm), F5 (2 bedroom of 68.5sqm) and F8 (2 bedroom of 67.8sqm).
- Second Floor, apartments S5 (2 bedroom of 67.6sqm) and S8 (2 bedroom of 67sqm).

The shortfall is not considered to be sufficient to amount to a reason for refusal. All the other apartments would satisfy the internal space requirements and it is considered an acceptable amount of floorspace is provided for habitation.

The proposal therefore complies with policy D DM2 of the Arun Local Plan.

BIN AND CYCLE STORAGE

Policy WM DM1 of the Arun Local Plan requires new residential development to be designed to ensure that kerbside collection is possible for municipal waste vehicles.

Refuse storage for both general waste and recycling has been provided in accordance with the required standard of 240 litres per flat in the form of communal bulk bins. The storage areas are located close to the vehicle access and service vehicle turning area for ease of collection and are within easy reach by occupiers from the central stair and lift enclosures for both buildings.

Policy T SP1 of the Arun Local Plan requires development which reduces the need to travel by car and gives priority to pedestrian and cycle movements. A revised set of plans have been submitted which provide acceptable cycle bays.

AFFORDABLE HOUSING

The proposal does not meet the requirements of policy AH SP2 in that no contributions are secured by a section 106 Agreement and no units within the development are to be provided within the development.

The independent viability test carried out concluded that the latest information received regarding the submitted build costs appears to support the applicant's assertion that the scheme is technically unviable. Viewed slightly differently, given the relatively small deficit, the scheme could be considered within the bounds of very marginal viability, but in any event meaning that the introduction of affordable housing would reduce viability to a likely unacceptable level by normal measures at this stage of review. It is accepted therefore that the absence of an affordable housing component is acceptable in this case and the proposal is in compliance with Policy AH SP2 of the Local Plan.

HIGHWAYS AND TRANSPORT

Paragraph 108 of the NPPF states that in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF states that 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.

Policy T SP1 of the Arun Local Plan requires development proposals to incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision. Arun District Council have formulated its own SPD on parking standards which was adopted on 15 January 2020.

In this case 2 spaces are required for 1 & 2 bedroom apartments. In addition visitor parking will be required to be provided at a ratio of 20% of the total number of residential units, which would require at least an additional 7 spaces.

The total number of car spaces provided is 59. According to the guidance 85 spaces would be required.

This is 26 spaces short but a more flexible approach is also advised with schemes, such as this, that incorporate flats and on sites close to urban centres.

Due to the sustainable location of the site close to the Town Centre, local bus stops and cycle routes it is felt that the number of spaces proposed is acceptable in this case.

As part of the comments/request from County Highways the development is required to provide double yellow lines as shown on plan ref Access visibility splay and numbered 046.0005.0001 rev D. A condition will be imposed to ensure that this is the case.

Following the submission of further information County Highways are now in a position to raise no objection.

For the reasons set out above it is considered that the proposal accords with policy TSP1 of Arun Local Plan.

LANDSCAPING & TREES

Policies D DM1 and D SP1 of the Arun Local Plan 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.

The Landscape Officer has no objection to the proposal and is of the opinion that the indicative landscape proposals as shown in dwg CSA/4163/IC4 Rev D, propose a pleasant scheme forming both formal outdoor areas and incorporating with native edge planting which will be suitable for location. The existing trees in along the boundaries edges provide potential valuable screening and will be protected from construction damage. Root protection Areas (RPA) will extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place. An offsite Pedunculate Oak T8 has recently been TPO'd and the adjacent trees whose root protection areas fall within the construction zone will also be protected. This should be in accordance with BS 5837:2012 'Trees in relation to construction'

It is recommended that a full landscape scheme be conditioned as part of any permission, if granted.

The Tree Officer recommends approval of the proposal subject to the imposition of a number of conditions, should permission be granted. The site layout is sympathetic to and in harmony with the existing and future growth of retained trees. There are no trees growing from within the proposed development of such value as to be a significant constraint to this scheme. Off-site trees which may be affected above or below ground have been adequately considered and as mentioned an off site Oak tree has been TPO'd.

BIODIVERSITY

Policy ENV DM5 of the Arun Local Plan requires that 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).

The Ecological Officer had no objection subject to minor ecological enhancements relating to bat boxes. Site clearance has recently taken place (during November 2019), undertaken by the current site owner. This observed both the recommendations of an Extended Phase 1 Ecological Assessment, published in February 2019 and those of the Ecologist who stated that clearance should take place outside of the bird nesting season ending on 1st October.

CONTAMINATION

Policy QEDM3 of the Arun Local Plan (Contaminated Land), promotes, and will permit, the use of previously developed land and the remediation of contaminated land to ensure that land is brought back into use, subject to the following requirements.

Prior to any development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development.

A comprehensive ground investigation has been undertaken to quantify the extent of contamination on the site that was subject to a former polluting use, one that has since ceased and now leaves the site in need of substantial remediation.

Principally, the investigations have concluded that the site currently features contamination from chemicals relating to the former gas works, trapped gasses and remnants of asbestos. It is acknowledged that further detailed site investigation will be required in order to inform a comprehensive remediation strategy that would include all works necessary to make the site safe to future users and the surrounding environment.

Environmental Health have been consulted and have no objection to the proposal subject to the imposition of a number of conditions should permission be granted (3 conditions relating specifically to contamination). Subject to the imposition of these conditions, the proposal would comply with Policy QEDM4 of the Local Plan.

FLOODING & DRAINAGE

The site is located partly within Flood Zones 2 and 3 although benefits from the existing River Arun flood defences. This application is accompanied by a Flood Risk Assessment and drainage strategy prepared by RSK.

According to Environment Agency flood maps and records the proposed development is shown to be within a Flood zone 2 (Medium Probability) and Flood zone 3a (High probability). None of the site is found to be within Flood Zone 3b where residential development would be prohibited. A Flood Risk Assessment has been submitted with the application and the Environment Agency have not raised any objection to the scheme.

Paragraph 157 of the NPPF states that 'All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below.'

Paragraph 162 of the NPPF states that 'Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again.'

It is noted that the site is allocated for residential use in the Neighbourhood Plan and therefore complies with the sequential test.

Paragraph 160 of the NPPF states that 'For the exception test to be passed it should be demonstrated that: its

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

The site is considered to be environmentally acceptable for the reasons set out above in the design and residential amenity sections as well as by virtue that it is a site located within the built up area boundary and benefiting from day to day amenities as well as alternative transport modes.

In addition social and economic benefits are to be had from the construction jobs it creates and council tax/CIL receipts.

Whilst the Council drainage engineers had originally objected negotiations with the applicants have resulted in that objection being dropped subject to a number of conditions which it is felt will address any flooding/drainage concerns.

The proposed development is considered to have an acceptable impact on drainage and flooding and complies with policies W DM2, W DM 3 and W SP1 of the Arun Local Plan and the NPPF.

OPEN SPACE AND OTHER INFRASTRUCTURE

The contributions required by WSCC for library, education, waste and fire services are to be provided via the required CIL payment.

Open space requirements for residential development are generated via the Council's SPD on open space adopted in January 2020. The Council's landscape officer has commented in May 2020 to say that she has no further landscape comment to add to her original response on this application where she stated that there was no requirement for open space from this development.

The application is therefore compliant with policy INF SP1 of the ALP which requires development to contribute towards the additional infrastructure that proposals generate

SUMMARY

For the reasons above the proposal is considered to be acceptable and should be approved with 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

The site is in CIL Zone 2 and is CIL Liable at £100 per sqm. The applicant has sent in a completed CIL Form 1 and the combined internal floor area came to 2,640 sqm. This amount 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:

E19-003-1000 Rev B, Accessibility Splay 046.0005.001 Rev D, Elevations 13 P3, South west elevations 12 P3, South East Elevations 11 P4, Second Floor Plan 04 P4, First floor plan 03 P4, Upper Ground Floor plan 02 P5, Lower Ground Floor Plan 01 P6, Site Plan showing roof plan 04 P8, North West Elevations 10 P4, North East and North West Sectional Elevations 1249/110-13 Rev P2, Proposed South West Elevation and Proposed Sectional Elevation 1249/110- 12 Rev P2, Proposed South East Elevations 1249/110- 11, Proposed Second Floor Plan 1249/110- 04 Rev P3, Proposed First Floor Plan 1249/110- 03 Rev P3, Proposed Lower Ground Floor Plan 1249/110- 01 Rev P3, Proposed Upper Ground Floor Plan 1249/110- 02 Rev P4, Proposed Site Plan showing Roof Plans 1249/101- 04 Rev5, Proposed North west and North East Elevations 1249/110- 10 Rev P3

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 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 principles agreed on the 14th May 2020. No part of the 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.

- 4 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.

- 5 The development shall not commence, other than works of site survey and investigation, until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 6 Development shall not commence, other than works of site survey and investigation, 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.

- 7 Development shall not commence, other than works of site survey and investigation, until details of a proposed foul drainage system is 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.

- 8 Details of the photo-voltaics (PVs) to be installed shall be in accordance with the submitted details and provide at least 10% of the predicted energy usage through renewable energy sources. The approved details shall be installed prior to occupation of the respective unit and be maintained thereafter.

Reason: To ensure that renewable energy resources are implanted on the site, in accordance with Policy ECC SP2 of the Arun Local Plan.

- 9 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking in accordance with policy T SP1 of the Arun Local Plan.

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

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

- 11 Prior to the commencement of development 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 uses potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan 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 require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies D DM1 and QE DM4 of the Arun District Local Plan .

- 13 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the 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. It shall also include any plan (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 plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies D DM1 and QE DM4 of the Arun District Local Plan .

- 14 Prior to the commencement of development a tree protection scheme shall be submitted to and approved, in writing, by the Local Planning Authority and the details therein agreed shall be maintained at all times as specified. The agreed scheme must be in place prior to commencement of works and of particular note is the protection of the offsite Pedunculate Oak T8 and the adjacent trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:2012 'Trees in relation to construction'

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 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 Prior to the commencement of development including alterations to existing ground levels takes place the Arboricultural Expert representing the site owner(s) will provide the Local Planning Authority with a brief report and photographic evidence to demonstrate that all protective fencing has been inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on the Tree Retention/Removal & Protection Plan, dwg.no. BHA_363_02, dated 23/05/2019.

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.

- 16 All activity at the site is to be carried out in strict accordance with: - Arboricultural Survey, Impact Assessment and Protection Plan, ref. O.2588, May 2019.

- Prior to any works associated with the planned enhancement of footway link bisecting the root protection area of T05 sycamore, 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.

- 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 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.

- 17 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.
- 18 Indicative landscape proposals have been shown in dwg CSA/4163/IC4 Rev D. A full landscape scheme will need to be submitted for approval, detailing actual quantities, species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale. These details are required to assure the proposals are appropriate to its setting and to ensure that appropriate screening is provided, maintaining and uncompromising the setting and ensuring that the proposals fit within the area.
- Reason: To ensure suitable vegetation important to the visual amenity of the area in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.
- 19 The development will be constructed, at all times, in line with contents of the submitted Construction Management Plan dated 13.06.19.
- Reason: In the interests of amenity of the area in accordance with policies TSP1, QE DM1 and QE DM2 of the Arun Local Plan.
- 20 It is noted that the proposed building may be affected by road noise. The proposal will comply with the contents of the Environmental Noise Survey dated 9 April 2019 prepared by noise.co.uk Ltd. All recommended mitigation measures will be installed prior to the occupation of any of the dwellings and shall remain at all times in good working order.
- Reason: In the interest of the amenity and Policies D DM1 and QE DM1 of the Arun Local Plan.
- 21 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3 -Suburb
- Reason: In order to prevent detriment to the amenity and policy D DM1 of the Arun District Local Plan
- 22 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 and diesel cars/vans will not be sold beyond 2040, 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 District Council Electric Vehicle Infrastructure

Study (November 2017) and the National Planning Policy Framework

- 23 Prior to the occupation of any dwellings details shall be submitted and agreed with the Local Planning Authority to provide and implement double yellow lines as specified and required by West Sussex Highways. The details thereby agreed shall be retained in good working order and remain in perpetuity.

Reason: To satisfy highway safety and policy TSP1 of the Arun Local Plan

- 24 The development shall be carried out in accordance with the submitted flood risk assessment (written by RSK, dated June 2019) and the following mitigation measures it details:

- Finished floor levels for habitable accommodation shall be set no lower than 5.3 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided in accordance with drawing number 10-12 rev. P4 contained in Appendix N of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

- 25 The recommendations and enhancements asked for by the Council's Ecologist shall be implemented in full prior to the completion of the development and be retained thereafter.

Specifically these are:

- Any trees removed should be replace at a ratio of 2:1
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site as detailed above
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site

A bat box should be provided onsite facing south/ south westerly positioned 3-5m above ground.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Reason: To ensure the acceptable management of the landscaping on the site in accordance with Policy D DM1 and ENV SP1 of the Arun Local Plan.

- 26 INFORMATIVE: Works within the Highway - Implementation Team
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.

27 INFORMATIVE: Temporary Developer Signage

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.

28 INFORMATIVE: Any works in, under or over, or within 5 metres of an IDB ditch or Ordinary Watercourse will need a Flood Defence Consent from the Environment Agency or West Sussex County Council respectively.

29 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

30 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

31 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future

access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse

32 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.