

REPORT UPDATE

Application No: AL/64/20/PL

Reason for the Update / Changes

Reason for Update/Changes:

The applicants have now supplied the Tree Schedule which had been omitted and is referred to in the agenda report on page 38 (point (7) within the "Officer Comments on Reps" section).

The Councils Landscape Officer has now provided a consultation response which raises no objection subject to a landscaping condition. This condition is already included.

The applicant has made the following comments about the issues of the ditch easement: "In terms of access to the ditch along the northern site boundary our client would like to point out that it was his early preference for the land to the north of site to be communal, under the control of a management company, and the development orientated the other way (with gardens to the south) which would have removed the issue of gaining access to the ditch through rear gardens*. However, he will accept the condition in terms of the 3 metre easement and access for the maintenance of the ditch, but would also like to point out that the roadways on the Barratt David Wilson scheme are all adopted and should the local authority need to approve any works to the water course these could be carried out from the north. However the future occupiers of the properties will also require access to maintain the ditch and the condition will allow for this. In terms of providing a Drainage Impact Assessment it is considered that the condition addresses the requirement for access and maintenance of the ditch and as such we do not consider a DIA necessary at this time."

* Officers accept that this was the approach on AL/27/20/PL (for 9 new dwellings) but the first application, ref AL/51/19/PL (for 10 new dwellings) did have some of the rear gardens backing onto the ditch.

Lastly, in response to the question raised at Planning Briefing Panel, officers can confirm that the access road is proposed to be 4.8m wide.

Officers Comment:

There are no changes to the recommendation or conditions.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: AL/64/20/PL

LOCATION: Springfield
Hook Lane
Aldingbourne
PO20 3TE

PROPOSAL: Demolition of the existing dwelling & construction of 2 no. 2-bed. 3 no. 3-bed, 4 no.

4-bed houses including access, landscaping & associated works (resubmission following AL/27/20/PL).

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The existing dwelling "Springfield", will be demolished and replaced with a new chalet bungalow (with front/rear dormers) repositioned further to the north closer to "Tara". This will allow a new access to be created from Hook Lane in between the replacement dwelling and Little Acres. The replacement dwelling will have an integral garage and 2 additional curtilage parking spaces. The rest of the site will then be developed with 8 two storey detached/semi-detached dwellings. All houses have curtilage parking spaces (2 or 3 depending on the number of beds). 7 visitor spaces are shown within the layout. A preliminary drainage drawing (ref 602-01 Rev C) has been provided which suggests a gravity fed solution draining to the ditch on the northern boundary. The drawing shows an attenuation feature to the south of the road surface then piped to the northern ditch. The engineering drawings suggest that there will not need to be any changes to site levels.
SITE AREA	0.46 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	19.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The large open part of the site has trees to all boundaries, some of which are offsite, some on the boundary and some in the site. The largest number of trees are to the north boundary and include at least 4 category B trees (the grading of some trees as category C in this area is disputed by the Councils Tree Officer). To the east boundary is a category A Oak tree (TPO/AL/1/20) and a large category B tree. In the southwest corner lies a further category B tree. It is proposed to remove 2 category B trees, 7 category C trees, 4 category U trees and two small hedges. Tree surgery work will be carried out to 2 trees (T08 Monterrey Cypress & T18 Ash) and to an area of shrubs in the south eastern corner. The applicant confirms that directional drilling will be used to avoid major roots when laying the surface water connection to the ditch on the north boundary.
BOUNDARY TREATMENT	All 1m high post & rail except 1.8m high mixed close boarded fence/wall to rear/(southern) side of "Tara" and a low 1m high close boarded fence to northern side of "Springfield".
SITE CHARACTERISTICS	The site consists of two distinct parts. First, the dwelling "Springfield" and its curtilage. Springfield is a bungalow with velux windows in its rear roof. It has several outbuildings in

the rear garden. It is accessed from Hook Lane with a drive on its north side leading to a gate into the second area, a large grassed space to the rear. This has a couple of small outbuildings but is otherwise empty.

CHARACTER OF LOCALITY

Semi-rural area, this property falls within a ribbon of housing development along the road of detached bungalows, chalet bungalows & two storey houses of varying architectural styles, designs and with a mixed building line. There is a horticultural nursery on the opposite side of Hook Lane with its access immediately opposite the site frontage.

The large open part of the site has new build dwellings to the north (part of a Barratt David Wilson Homes development) which have either front or side elevations facing the site, some of which have principal windows at ground/first floor. The eastern and southern boundaries are with vacant land presumably owned by other adjoining residential properties.

To the west, the site is overlooked by the rear of "Tara", a chalet bungalow with first floor rear facing bedroom & bathroom windows. "Little Acres" to the south of Springfield is a tall dormer bungalow with rear facing dormer windows including bedrooms. It has no flank windows that might otherwise be affected by the new access on its northern side.

RELEVANT SITE HISTORY

AL/27/20/PL	Demolition of the existing dwelling & construction of 2 No. 2-bed, 3 No. 3-bed & 4 No. 4 bed houses including access, landscaping & associated works (resubmission following AL/51/19/PL).	Refused 26-06-20
AL/51/19/PL	Demolition of the existing dwelling & erection of 3 No 2-bed, 3 No 3-bed & 4 No 4-bed dwellings, access, landscaping & associated works.	Refused 30-03-20

AL/51/19/PL (10 dwellings) was refused under delegated powers in March 2020 for the following reasons:

(1) The proposed scheme represents an overdevelopment of the site which will result in unacceptable harm/felling of trees of high amenity value and associated harm to biodiversity habitats in conflict with policies ENV DM4 & ENV DM5 of the Arun Local Plan & policy EH6 of the Aldingbourne Neighbourhood Development Plan.

(2) The proposed scheme fails to comply with the parking requirements of the new Arun Parking Standards Supplementary Planning Document (January 2020) and will therefore result in pressure for additional parking outside of the site potentially in places where it is not safe to do so. The proposal is

therefore in conflict with this SPD and with policy T SP1 of the Arun Local Plan and policy GA3 of the Aldingbourne Neighbourhood Development Plan.

AL/27/20/PL was submitted for 9 dwellings. This was refused under delegated powers in June 2020 for the following reason:

(1) The proposed scheme represents an overdevelopment of the site and results in unacceptable harm to existing trees of high amenity value in conflict with policy ENV DM4 of the Arun Local Plan, policy EH6 of the Aldingbourne Neighbourhood Development Plan and paragraph 170 of the National Planning Policy Framework.

There are current planning appeals for both of these refusals.

REPRESENTATIONS

Aldingbourne Parish Council state objection on the basis that:

- (a) Site lies outside the BUAB in the Aldingbourne Neighbourhood Development Plan (ANDP);
- (b) Loss of open land;
- (c) Increased demand on local infrastructure;
- (d) Increased traffic on a quiet rural lane;
- (e) Site lies in area at risk of flooding;
- (f) Harm to semi-rural character;
- (g) Overdevelopment of the site;
- (h) Layout is dominated by parking;
- (i) Breach of ANDP H1 "Quality of Design" policy;
- (j) Layout has no connections beyond the road access;
- (k) North facing gardens will result in pressure to prune or fell trees;
- (l) Not clear how ecological enhancement measures will be enforced;
- (m) No bat survey;
- (n) No details of lighting to demonstrate compliance with Dark Skies policy; and
- (o) Loss of trees and corresponding harm to site ecology.

In addition, 8 letters of objection raising the following material planning concerns:

- (1) Not in accordance with the ANDP;
- (2) Traffic congestion;
- (3) Highway safety;
- (4) Overdevelopment;
- (5) Harm to local character & loss of this garden;
- (6) Harm to/loss of wildlife;
- (7) No tree survey and unclear how existing trees will be protected;
- (8) Loss of privacy to Ide Crescent;
- (9) No details of new boundary fencing to northern boundary;
- (10) No evidence of any community benefits; and
- (11) Pollution during construction.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect to the Parish Council response, items (a), (c), (d), (e), (f), (g), (h), (i), (j), (k) & (o) will be considered in the report's conclusions section with the following offered in respect of the other concerns:

- (b) Noted however, the site does not benefit from any special protection;
- (l) These are clearly shown on a drawing the Council will be able to enforce the requirement against the individual home owners or management company should any features be removed;
- (m) Noted. The application is accompanied by a preliminary ecological appraisal. The Council's ecologist reviewed this and did not request a bat survey. Relevant mitigation measures will be secured by condition; and
- (n) Lighting details are subject to a condition and assessed at that point by Environmental Health and the Council's ecologist.

In respect of the resident objections, items (1) - (6), (8) & (10) will be considered in the report's conclusions section with the following offered in respect of the other concerns:

- (7) The application was initially only accompanied by a Tree Protection Plan which set out the protection measures. An Arboricultural Impact Assessment & Method Statement was later provided although this is not accompanied by a Tree Constraints Plan or Existing Tree Schedule which were both present on the previous applications. The Tree Officer did not advise that the Constraints Plan or Schedule was required to assess the application;
- (9) The detail of boundary treatments will be secured by condition; and
- (11) Construction impacts are temporary and managed by a Construction Management Plan condition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection and no conditions.

SOUTHERN WATER - No objection subject to a condition to secure a connection to the foul sewage system and an informative regarding the need for separate SW approval of the connection.

WSCC HIGHWAYS - No objection subject to conditions. Access arrangements are the same as the previous applications to which no objections were made. Refuse vehicles can enter/exit the site in a forward gear.

ADC TREE OFFICER - Objection but states that this can be easily overcome. Comments that:

- Broadly, the proposal can be implemented by retaining the majority of large evergreen trees, that are of obvious landscape value;
- A number of these have been identified as Category B trees, a rating I can comfortably support;
- It is disappointing there is no attempt to retain T24 & T29 Cypress when they could be in harmony with plot 9 and access road, by selective branch shortening and use of 'No-dig' construction;
- Neither is suitable for a Tree Preservation Order and mitigation in the form of tree planting should be sought including the use of native tree species of potential stature (greater than 15m high) such that they will grow to complement and enhance the local landscape;
- Concerned with the route of surface water discharge to the north boundary watercourse and construction of the headwall - both in the RPA of a retained (off-site) mature Cypress (T21). Either the route of the drainage connection be changed or directional drilling employed to protect the roots here;
- The removal of T24 & T29 is unfortunate but the important tree line along the north boundary is suitably accommodated and with far less intrusion into likely rooting zones than before; and
- Conditions recommended should the application be recommended for approval.

ADC DRAINAGE ENGINEERS - Recommend same conditions as previous applications. Comment:

- Pumping is not sustainable and gravity options must be fully explored;
- The applicant should consider the significant use of permeable paving and other shallow features to convey and store water across the site, whilst minimising the use of pipework;
- Barratt David Wilson have recently undertaken works to the boundary ditch and installed a positive outfall from it into their onsite drainage system;
- The applicant should fully survey the ditch and its outfall, as this will impact any design;
- It may be necessary for the applicant to undertake further works to this ditch to reduce bed levels where possible, in order to aid a gravity solution;
- The conflict between the drainage scheme and the existing trees needs to be resolved; and
- The layout does not address the requirement to keep boundary fences at least 3m away from the banks of the northern boundary ditch in order to allow for future maintenance including allowing access by vehicles. This matter must be resolved before the layout is agreed.

ADC ENVIRONMENTAL HEALTH - No objection subject to a Construction Environmental Management Plan condition.

ADC GREENSPACE OFFICER - No response. Comments on AL/51/19/PL stated no objection and no requirement for open space or play on the site but that details of landscaping will be required particularly to the north boundary to provide mitigation planting.

COUNCILS ARCHAEOLOGIST - No objection subject to a standard condition.

COUNCILS ECOLOGIST - Notes the likely presence of bats, nesting birds and reptiles however raises no objection subject to conditions to secure various protection, mitigation and enhancement measures.

COMMENTS ON CONSULTATION RESPONSES:

All comments accepted unless noted below.

ADC TREE OFFICER - The applicant has amended the Arboricultural Impact Assessment & Method Statement to state that if significant roots are present along the line of the drainage channel then directional drilling will be used to avoid major roots. A landscaping condition will specify that tree planting should be on a ratio of 2 for every 1 lost and should include native species of potential stature.

ADC DRAINAGE ENGINEERS - It is proposed to resolve the concerns about the ditch through the use of an amended boundary treatments condition to state that:

"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 submission of such details shall include an up-to-date survey of the ditch running along the northern boundary to take account of recent works to it as undertaken by Barratt David Wilson in respect of the adjacent site; and also the measures required to ensure 3m easements from the opposing banks of this ditch and the provision of vehicular access for maintenance including the use of demountable fencing or gates where appropriate."

The Councils Drainage Engineer has considered this approach and comments that:

- Barratt David Wilson and the Springfield developer have 50/50 riparian responsibility for the ditch Springfield have no right to maintain the ditch from the BDW side so need their own arrangements;
- The obvious solution to ensure vehicular access for maintenance would be to take this through plot 8;

- There are land drainage byelaws which stipulate that fences should be set back 3m from the top of banks but these would need to be enforced by the Councils legal department and it is preferable that this is resolved before the layout is agreed.

The layout would allow for access to be taken through the parking area of plot 8 provided that demountable fencing was then used to enable access from there to the ditch. The presence of separate legislation means that this can be agreed at a later date and if it proves not possible to secure the necessary easements/vehicular maintenance access then the applicant would need to submit an application for a new layout. It is proposed to add the following informative:

INFORMATIVE: The applicant and the future homeowners of plots 2-8 are reminded of the need to allow access to the ditch running along the northern boundary for the purposes of maintaining the flow of water. These riparian responsibilities are set out in the Public Health Act 1936, the Land Drainage Acts of 1991 & 1994 (as amended by the Flood & Water Management Act 2010), the Water Resources Act 1991 and in Arun's own Local Drainage Byelaws. Please refer to our website here for more information: <https://www.arun.gov.uk/watercourses-riparian-responsibilities>.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Special Control of Adverts;
Class C Road;
Lidsey Catchment Area;
Archaeological Notification Area;
Tree Preservation Order TPO/AL/1/20;
CIL Zone 2;
EA Flood Risk Zone 1; and
Within 1.2km of Singleton & Cocking Tunnels SAC.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution

QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...
	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H6	Within built up area boundary
	Windfall sites
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.
	Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail
Aldingbourne Neighbourhood Plan 2016 POLICY EE8	Communications infrastructure

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 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.

Policies of the Aldingbourne Neighbourhood Development Plan (ANDP) are considered in this report. Aldingbourne Parish Council are working on a new Plan which has completed Regulation 14 consultation. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The emerging ANDP replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). In the context of this report, it is only relevant to consider two of these. Firstly, policy H1 (housing design) is to be replaced with a housing allocations policy concerning two large sites in the area (neither of which concern the site). Secondly, EH2 2019 sets out policy for the Singleton and Cocking Tunnels SAC. It is considered that the Plan can be attributed low weight at this time.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area or to the amenities of existing & future residents, will preserve trees of high amenity value and will not adversely affect the safety and convenience of the local highway.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan (ALP), the Aldingbourne Neighbourhood Development Plan (October 2016) and the West Sussex Waste and Minerals Plans.

The site lies in the Built Up Area Boundary (BUAB) in the Arun Local Plan (ALP) and is acceptable in principle. It is necessary to assess the proposal against policies covering such matters as design/character, access/parking, residential amenity, space standards, pollution, drainage, biodiversity and trees.

The site is shown as countryside in the Aldingbourne Neighbourhood Development Plan (ANDP) and policy EH1 states development will not be allowed on sites outside the built-up area boundary except where it is in accordance with development plan policies in respect of the countryside.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the conflict between the BUAB's in the ALP and ANDP must be resolved in favour of the ALP as the most recent document.

Policies in the ANDP that relate to the supply of housing (including policy EH1) have reduced weight because they relate to out of date housing needs as they were based on the policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan. The ANDP Review is a newer document and has a BUAB that reflects the Local Plan therefore the site would in the future be within the BUAB.

On this basis, the principle of residential development in this location is accepted despite the conflict with the current ANDP.

CHARACTER & DESIGN:

ALP policy D DM1 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.

ANDP policies H1, H3 & H9 are relevant. Policy H1 (proposed to be deleted by the emerging ANDP) requires housing to be of a high quality design that reflects the local character and reinforces local distinctiveness. Policy H3 states the density of development should be appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H9 requires certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses. The proposal does not show such features however, it is not considered that non-compliance with this policy should be considered to be sufficiently harmful so as to justify a refusal reason.

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." In addition, paragraphs 122, 130 and 131 are all relevant.

Para 122 states that planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account. Para 130 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Para 131 states that great weight should be given to innovation, high standards of design and sustainability measures so long as they fit in with the overall form and layout of their surroundings.

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. The Council has emerging Design Guide which completed its initial consultation period, has been modified in response to the comments and will be subject to a further 4 week consultation period in accordance with regulations 12 & 35 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).

There is no objection to the replacement of the existing dwelling. This will have a slightly different front building line to the current situation but this will not harm the streetscene. The dwelling height is similar to the existing and there is a mix of designs along Hook Street so this change will not be harmful to local character.

The remainder of the proposal is for 8 dwellings on land to the rear of (and connected to) an existing house. The proposal represents "backland development". Such development is generally perceived negatively and considered to be out of character with the existing form of development. However, backland development is not in principle inappropriate and in this case there are mitigating circumstances which prevent there being any harm to the character and appearance of the area.

Firstly, the presence of the new housing on land immediately to the north (also a backland development) establishes precedent for this form of development. There has been addition housing on Hook Lane such as the Metis Homes site to the north west. Secondly the new houses are to be at least 42m back from the edge of Hook Lane and although there will be a large gap where the access sits, visibility of the

site will be limited by way of existing houses fronting Hook Lane and by way of new landscaping in the site, particularly that indicated on the proposed site plan as being either side of the access beyond the line of the existing houses.

The view into the site from the road will terminate with the front corner of plot 2. However, no objection was raised to the similar situation on previous applications and with the size/shape of this site, it is not considered that new houses in the site can be completely invisible from the highway or be orientated to front the highway. Whilst there will be visibility of the site from Hook Lane, it is not considered this would be so harmful as to warrant a refusal on grounds of character particularly considering housing development elsewhere on Hook Lane.

The new houses on site are appropriate in design and scale to the surrounding form of development. There is a concern regarding the stated materials (use of grey weatherboarding & blue slate) as these are not apparent elsewhere in the vicinity of the site and this may be considered to conflict with ANDP policy H1. Materials can be agreed at a later time through a condition. The site density at 19.5 dwellings per hectare is not excessive such that the scheme should be is overdevelopment particularly as the layout includes areas of communal amenity space particularly along the southern edge.

The site has one access point to be shared by cars and pedestrians. It is not possible to provide alternative pedestrian accesses as the site is landlocked on the east & south and access to the north would have to cross a ditch and would necessitate tree felling plus likely attract further objection from adjoining home owners.

The Parish Council consider the layout is dominated by car parking. This in itself does not suggest overdevelopment and the prevalence of parking spaces will not be visible from the Hook Lane streetscene. The addition of new trees by the landscaping scheme will green the layout and mitigate the visual impact of new hardstanding.

The proposal results in a change to the character of Hook Lane in this location but this change would not result in significant harm to the area and, in terms of density, character & design, the proposal would not conflict with the aforementioned development plan policies and policy guidance.

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 has an emerging Design Guide which will, once adopted, provide guidance but due to its stage of preparation can only be attributed low weight. However, it does give an indication as to what might be acceptable separation distances between habitable rooms. These are:

- 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;
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping;

Although it is noted that local residents in the adjacent development to the north are concerned about overlooking, the interface distance between dwellings on the two sites are in a range of 25-29m for rear

to front and around 25m for rear to side. This accords with guidance in the emerging Design Guide.

The relationships with the dwellings along Hook Lane are acceptable as the flank of plot 2 will be 18m from the rear of the Springfields replacement dwelling (plot 1) and 29m from the first floor part of Tara. The front corner of plot 2 will be 22.5m from the rear corner of Little Acres. There are no houses affected to the east or south.

The access introduces noise and disturbance which could be harmful to the amenities of Little Acres, on the southern side. However, there will be a gap of 3m between the edge of the road & the windowless flank of Little Acres and it is considered that the 1.5-2m wide strip of land in this gap which is in the control of the applicant is sufficient to enable screen planting to be implemented to reduce noise disturbance and add visual screening.

It is not considered that the proposal would conflict with the aforementioned development plan policies and emerging policy guidance.

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 following is a breakdown of the proposed homes and this demonstrates that there is no conflict with the internal space standard guidance.

Plot	Unit Type	Internal Space in m2	National Standard in m2
1	4 Bed, 7 Person, 2 Storey	156.2	115
2&3	2 Bed, 4 Person, 2 Storey	82.6	79
4&5	3 Bed, 6 Person, 2 Storey	104.6	102
6	4 Bed, 7 Person, 2 Storey	133.6	115
7	4 Bed, 7 Person, 2 Storey	130.1	115
8&9	4 Bed, 7 Person, 2 Storey	127.8	115

There are no policies in the ALP relating to garden sizes, however, the emerging Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

All of the houses have front garden or parking areas which meet the requirement. The site plan indicates no apparent conflict with the garden depth requirements. This plan does not show the line of the ditch and as per the comments of our drainage engineer, the layout would need to account for this with no boundary treatments within 3m of the ditch banks. As set out elsewhere in this report, it is proposed to secure the necessary easements to the ditch through the discharge of the boundary treatments condition. It may be possible to use demountable fencing to secure boundaries whilst allowing future maintenance access (this approach has been used elsewhere in the district).

The line of the ditch and its respective banks are indicated on the preliminary drainage plan. Using this it is possible to approximately calculate garden depths should it not be possible to use demountable fencing and instead have a rear boundary set 3m back from the ditch. This would mean that plots 4 & 5

would both be only approximately 10m deep, plot 6 would be approximately 6.5m deep and plot 7 approximately 8.5m deep.

This potential scenario would therefore result in a shortfall to plots 6 & 7. In both cases the gardens are very wide (10m for plot 6 / 12m for plot 7) and there will remain a decent amount of rear garden space. Furthermore the interface standards to existing houses to the north exceed the requirements, therefore the required garden depths are not required to maintain privacy levels. Whilst plot 8 backs onto the ditch, its rear garden is to the east and is 11m deep. It is its side garden that extends to the ditch line and so the depth of this would not be a concern.

Even the rear gardens of plots 4-7 need to be shortened, the scheme will provide a decent standard of amenity for future occupiers and there is no conflict with any adopted development plan policy.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promote 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". Policy T DM1 requires that development be located in 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.

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

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 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."

The Highway Authority do not object. Although not stated in their comments this time around, on AL/51/19/PL, they considered likely trip generation to be low (and the development would not have a severe impact on the highway). They previously stated the access configuration is safe. On this application they confirmed larger vehicles can enter & exit in a forward gear.

The site is in the built-up area boundary as per the Arun Local Plan and is in walking distance of a shop, pub, primary school & bus stops on Westergate Street to the east. These can be reached via Hook Lane (to the south & east) or by the footpath which runs along the north boundary of the adjacent development (which would be accessed by walking up Hook Lane to the north & then east onto the footpath). The proposal accords with policies T DM1 & T SP1 of the ALP, ANDP policy GA1 and with the guidance on highway safety within the NPPF.

The Parking Standards Supplementary Planning Document sets out a need for 23 allocated parking

spaces (2 spaces per 2/3 bed dwellings & 3 spaces per 4 bed dwelling) and at least 2 visitor spaces (25 in total). The proposal includes 22.5 allocated spaces (with the 0.5 as a result of plot 1's garage being considered as half a space) and 7 visitor spaces - a total of 29.5. The surplus of visitor spaces does increase the amount of hardstanding in the streetscene but means there should be no risk of parking spilling out onto Hook Lane and therefore benefits highway safety in this semi-rural area.

The proposal accords with ALP policies T SP1 & T DM1, ANDP policies GA1 & GA3 and with the Parking Standards SPD.

TREES:

ALP policy ENV DM4 states that:

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

ANDP policy EH6 states that development that damages or results in the loss of trees of arboricultural and amenity value will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss.

Paragraph 170 (b) of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The application proposes to remove a small honeysuckle hedge (approximately 3.3m long & 0.4m wide) to create the access. A small Hazel hedge in the north western corner (rear of Tara) will be removed. These are both 8-9m long. The application proposes to remove 12 trees, two are being of moderate quality (category B). These are trees T24 and T29 being Monterey Cypresses (16/17m high) located in the SW and SE corners which have high amenity value in the context of the local landscape but are not considered worthy of Tree Preservation Orders.

The previous two applications were refused primarily as a result of objections from the Council's Tree Officer either due to the site layout or the amount of development. On this application, although the Tree Officer retains some concerns, the overall stand point is that the proposal can be implemented by retaining the majority of large evergreen trees along the northern and eastern boundaries which have the most landscape value. This position therefore allows for a positive recommendation.

In response to ALP policy ENV DM4 & ANDP policy EH6, the proposed removal of trees is for the most part to be in the interests of good arboricultural practice and will enhance the survival and growth prospects of other trees. The exceptions being T24 & T29. The proposal contributes 8 dwellings to the Council's current housing land supply shortfall in a sustainable location. This benefit outweighs the loss of T24 and T29. The retained trees including the TPO Oak (T23) on the east boundary are all sufficiently

respected and protected from development.

Plots 2-7 have north facing gardens with trees at the end of these gardens and that this may increase the likelihood of future pressure to prune or fell. These plots have sufficient private amenity space and the gardens will not be shaded by the trees and will still be afforded day light when the sun is in the east or west. The impact of tree loss on biodiversity will be considered below.

It is considered that the proposal now complies with ALP policy ENV DM5 and ANDP policy EH6.

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)."

ANDP policy EH6 states that development proposals must be designed to incorporate biodiversity and enhance ecological networks in order to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

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 site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The application is accompanied by a Preliminary Ecological Appraisal Report and a Reptile Survey Report. These documents were assessed by the Councils ecologist who does not object subject to conditions to secure various protection, mitigation and enhancement measures. The ecologist states the site hedgerows are used by bats and should be retained. The scheme proposes to remove two small standalone hedges (H01 & H03). These are at the west end of the site close to the road/existing homes and subject to human disturbance. Their short length limits their value as bat commuting routes. The most important hedge (interspersed with trees) on the north boundary is to be retained. Natural England's comments are outstanding and any response will be reported at the Meeting.

The ecologist does not comment specifically on whether the development secures a net gain in biodiversity. The majority of the site is grassland and the ecologist's suggested mitigation/enhancement measures will comprise of two trees for every one felled, gaps in hedgerows filled with native species, wildlife pond, wildflower meadow planting to amenity areas, Bat & bird boxes, grassed areas managed to benefit reptiles, log piles and gaps in fences to allow small mammals access.

The submitted Preliminary Ecological Appraisal advises "the proposed enhancements would result in biodiversity gains in accordance with national and local planning policy". The applicant provided an ecological enhancement plan which indicates the location of rough grassland, the strengthening of landscaping, bird/bat boxes, hedgehog houses & fence holes and log piles.

It is acknowledged the proposal results in the loss of trees including two of moderate quality and two sections of hedge. The Councils ecologist requested that any trees lost are replanted on a 2 for 1 basis (24 new trees). The Tree Officer asked that any planting scheme is dominated by native tree species of

potential stature.

The applicant indicated new tree planting on the proposed site plan suggesting 29 new trees will be planted along with sections of new hedge. The full detail of the trees and hedges would be secured by a landscaping condition and will be assessed at the condition discharge stage. The standard condition wording has been amended to require at least 24 new native trees to include specimens that will potentially grow to 15m high.

It is not possible to say for certain that there will be a biodiversity net gain as this is dependent on the new trees/hedgerows being secured through the detail of the post approval landscaping scheme. It is likely that the applicant will be able to provide new trees and hedges to offset the loss and that this together with the other enhancement measures will result in an overall biodiversity net gain. Therefore, the proposal is considered to comply with the NPPF para 175 and with ALP policy ENV DM5.

FLOODING & DRAINAGE:

The site is not in any Environment Agency flood zones (for flooding from rivers or sea) and is not shown on Council records to be at high risk of surface water flooding. It is shown to be susceptible to groundwater flooding (greater than 75% risk) although this is the same for all surrounding land and further afield in the local area (Aldingbourne, Westergate & Eastergate).

ALP policy W DM2 (Flood Risk) is relevant to development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA). This site is included on the groundwater maps in the SFRA but not in the EA maps therefore is not covered by the policy.

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."

ANDP policy EH5 states that new proposals must not give rise to additional risk of flooding, either to the development site and must make appropriate provision for accommodating the surface water and foul water arising from the development.

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development in this area must be accompanied by a Drainage Impact Assessment that must take account of both the individual and cumulative impact upon foul water disposal; flood storage capacity and surface water drainage or flood flows in the Lidsey Wastewater Treatment Works Catchment Area.

A Drainage Impact Assessment has not been provided however it should be noted that the Councils planning application validation list only requires a Lidsey Foul Water Environmental Assessment Statement in cases where non-mains drainage is proposed and this application proposes a connection to mains drainage. It is noted that Southern Water do not object and are content that foul drainage be agreed through a condition. Although there is conflict with policy W DM1, it is not considered that a refusal on this matter could be justified.

The Councils drainage engineers raise no objection to the principle of the development and are confident the applicant will be able to determine a suitable surface water drainage strategy in the proposed layout. There is no agreement to the preliminary drainage layout as presented and the drainage scheme will need to be agreed through the discharge of conditions. In the absence of any in principle objections to

the surface water drainage of the site, it has to be concluded that the proposal is in accordance with ALP policy W DM3 and with ANDP policy EH5.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. This site lies in an archaeological notification area. The policy requires that a desk based archaeological assessment be submitted with the application although it is noted that this is not listed as a planning application validation requirement.

The Councils Archaeologist has considered the proposal and states that an archaeological investigation of the adjacent development site in 2017 revealed a complex of pits, postholes, ring-ditches and boundary ditches representative of later prehistoric settlement and agricultural management. The Archaeologist states that it is likely the application site will contain similar features whose significance might merit preservation, so it would be appropriate to require that it be investigated by trial trenching ahead of development in order that measures to ensure appropriate preservation might then be put in place. It is advised that this can be secured by a planning condition.

The omission of a desk based archaeological assessment means that there is conflict with policy HER DM6. However, the weight to this is lessened due to the non-objection of the Councils Archaeologist.

SUMMARY:

There is a minor conflict with the development plan concerning the omission of both the Drainage Impact Assessment and desk based archaeological assessment but otherwise this proposal can be developed without harm to the character of the area, the amenities of existing & future residents to trees of high amenity value or to safety & convenience of the local highway.

Notwithstanding the site's location in the BUAB, the proposal represents sustainable development. It is vital to consider additional sustainable housing developments to contribute to housing land supply and maintain/improve housing delivery rates.

There are no 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), 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

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £125,100 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). The Parish Council would receive a 25% share of this money (£31,275) albeit subject to whether any relief is claimed.

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:

1186/DP101 Rev 01 "Location Plan";
 1186/DP102 Rev 01 "Proposed Block Plan";*
 1186/DP103 Rev 01 "Proposed Context Plan";*
 1186/DP104 Rev 01 "Proposed Site Plan";*
 1186/DP105 Rev 01 "Plot 1 Floor Plans";
 1186/DP106 Rev 01 "Plot 1 Elevations";
 1186/DP107 Rev 01 "Plot 2 and 3 Floor Plans";
 1186/DP108 Rev 01 "Plot 2 and 3 Elevations";
 1186/DP109 Rev 01 "Plot 4 and 5 Floor Plans";
 1186/DP110 Rev 01 "Plot 4 and 5 Elevations";
 1186/DP111 Rev 01 "Plot 6 Floor Plans"
 1186/DP112 Rev 01 "Plot 6 Elevations";
 1186/DP113 Rev 01 "Plot 7 Floor Plans";
 1186/DP114 Rev 01 "Plot 7 Elevations";
 1186/DP116 Rev 01 "Plot 8 Floor Plans (Plot 9 Similar Handed)";
 1186/DP117 Rev 01 "Ecology Enhancement Plan";*
 1186/DP118 Rev 01 "Plot 8 Elevations (Plot 9 Similar Handed)";
 MBSK200921-03 Rev P1 "Swept Path Analysis - Large Refuse Entering/Exiting Site"; and
 MBSK200921-04 Rev P1 "Swept Path Analysis - Large Refuse Turning on Site".

The plans marked with an * are not approved in respect of the indicated boundary lines within 3m of the banks of the ditch along the northern boundary.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1, ENV DM5, QE SP1 and D DM1 of the Arun Local Plan.

- 3 The development must be carried out in accordance with section 6.0 of the "Reptile Survey Report" (ref LLD1680-ECO-REP-002 Rev 00) and the "Ecology Enhancement Plan" (drawing 1186/DP117 Rev 01). The enhancements and mitigation measures described in the two documents shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

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

- 4 All activity at the site is to be carried out in strict accordance with the "Arboricultural Impact Assessment and Method Statement", ref. LLD1680-ARB-REP-001, Rev 04, 29 September 2020.

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.

- 5 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 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. LLD1680-ARB-DWG-002, Rev 08.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer

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.

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

Reason: Bats use the hedgerows for foraging and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

- 7 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Policy HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 8 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. 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.

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

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

- 10 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 11 The development shall not proceed 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.

- 12 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 13 Prior to the commencement of development, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall

be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because levels need to be checked before any initial laying of house foundations takes place.

- 14 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.

- 15 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 submission of such details shall include an up-to-date survey of the ditch running along the northern boundary to take account of recent works to it as undertaken by Barratt David Wilson in respect of the adjacent site; and also the measures required to ensure 3m easements from the opposing banks of this ditch and the provision of vehicular access for maintenance including the use of demountable fencing or gates where appropriate.

Reason: In the interests of amenity, privacy and the long term maintenance of the northern boundary ditch in accordance with policies D DM1 and W DM3 of the Arun Local Plan.

- 16 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The landscaping scheme should include at least 24 new native trees to include specimens that will potentially grow to greater than 15m high. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 17 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered 1186/DP04 Rev 01.

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

- 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 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 Arun Local Plan policy T SP1.

- 20 No part of the development shall be first occupied until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto Hook Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 21 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall consider the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 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, 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.

- 23 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 "Proposed Site Plan" (ref 1186/DP04 Rev 01). The garages and car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the

garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

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

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

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

- 25 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.

- 26 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.

- 27 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.

- 28 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.

- 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 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>.

- 30 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.
- 31 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.
- 32 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.
- 33 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 34 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.
- 35 INFORMATIVE: The applicant and the future homeowners of plots 2-8 are reminded of the need to allow access to the ditch running along the northern boundary for the purposes of

maintaining the flow of water. These riparian responsibilities are set out in the Public Health Act 1936, the Land Drainage Acts of 1991 & 1994 (as amended by the Flood & Water Management Act 2010), the Water Resources Act 1991 and in Arun's own Local Drainage Byelaws. Please refer to our website here for more information: <https://www.arun.gov.uk/watercourses-riparian-responsibilities>.