

Recommendation Report for Planning Permission

REF NO: AW/155/17/PL

LOCATION: Land to the side of Brus Lodge
28 Kingsway
Aldwick
PO21 4DH

PROPOSAL: Erection of 1No. detached dwelling. This application affects the character and appearance of Craigweil House Aldwick Conservation area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to construct a new detached 2.5 storey dwelling within the side garden area of Brus Lodge. The house will include a total of 4 bedrooms, 6 bathrooms/WC's and an attic level space suitable as a 5th bedroom. The house will have a varied width of 15.8m to 16.2m and a varied depth of 13.4m to 16.4m.

It will be 8.8m high to the ridge with varied eaves heights but none greater than 5.2m. A 9.4m high chimney will be located on the eastern side. Parking is provided in the form of an integrated double garage and two further off-street spaces within the front. The application retains three trees along the frontage (including the TPO'd Norway Maple). The application also removes a mixed shrub group along the frontage but retains the TPO'd Pittisporum located within this group). A group of 6 shrubs, a Cherry Laurel hedge and an individual Holm Oak located further into the site will all be removed. A new front boundary picket type fence (1.1m high) is proposed but to use the post holes of the existing close boarded fence.

The design of the dwelling was part amended following the comments of the Conservation Officer with the omission of the front rooflights and a reduction in the width (to three lights) of the dormer above the garages.

It should be noted that the proposed house will be lower and narrower than that refused on appeal (AW/367/15/PL). That proposal had a width of 20.6m at its greatest extent and a height of approximately 9m. However, the building depth and the access/turning/parking arrangements remain broadly the same.

The plans have been amended to take account of the initial Arboricultural objection and have pulled the dwelling slightly further back from the road and have also turned it slightly in a

	anti-clockwise direction. This allows for increased space between the dwelling and the road front boundary.
SITE AREA	0.089 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	11.2 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Various trees and shrubs along the site frontage, two of which (a Norway Maple & Pittosporum) are now subject to a Tree Preservation Order Ref TPO/AW/1/16. Both are shown to be retained.
BOUNDARY TREATMENT	Close boarded fencing to front and sides with a 5 bar gate at the front.
SITE CHARACTERISTICS	Land to the side of large detached dwelling that has extensive grounds. Within the curtilage is a detached swimming pool. Surrounding properties are of a variety of styles, sizes and types with no overall architectural style being dominant. The area is however characterised by large detached properties set within spacious plots. The application site itself currently comprises garden and is accessed via a dropped kerb that permits vehicular entry to the single detached pitched roof garage.
CHARACTER OF LOCALITY	Kingsway lies within a residential area characterised by large detached properties set within spacious plots. Surrounding properties are of a variety of styles, sizes and types with no overall dominant architectural style. No. 28 Kingsway is a particularly wide dwelling - significantly wider than other dwellings in the immediate area. It is around 9m in height. The property is a defined Building of Special Character. In addition, several nearby dwellings are identified as Buildings of Special Character. The White House (24 Kingsway) has a ridge height of around 9.2m. The dwellings that make up the immediate locality enjoy relatively generous gardens within predominantly open frontages. Such factors combine to provide the residential units themselves and the general area with a sense of openness which is the reason for the low density of development to be found in the area. The current level of density on the existing Brus Lodge site (including the pre-application site) is 14 dwellings per hectare. With reference to the Craigweil House Conservation Area Statement, the estate has a planned nature and still bears the sense of being laid out as one unified piece. The estate is Arcadian in nature and in many places including on Kingsway has a low density character. The space between dwellings is important to the character. There is also a strong mix of styles and age of properties.

With particular regard to Kingsway, the Conservation Statement states that:

"At its western end Kingsway is lined with mature trees, shrubs and hedging dividing the main carriageway from the service roads from the north and south leading to the properties. These pathways are gravelled and along with the trees create a pleasant and distinctive enclosure of the road. A uniform building line dominates the pattern of development along both sides of the road. The properties illustrate distinctive individual designs, expressing a character of grandeur in many instances. The design and style of the properties does vary, illustrating the time periods within which the individual properties were constructed.

The character of Kingsway changes slightly at the curve in the road (where the appeal site is located); the grass verges widen creating a sense of spaciousness. Boundary treatment of the properties varies; there is a variety of brick boundary walls, fences and some properties have open frontages. Younger planting is visible on the verges and miniature trees are present. Houses are set back from the verges throughout Kingsway with spacing between properties both at ground and first floor levels providing a sense of spaciousness."

RELEVANT SITE HISTORY

AW/367/15/PL	Erection of 1 No. dwelling. This application affects the character & appearance of the Craigweil House Conservation Area.	Refused 23-03-16 Appeal: Dismissed 10-11-16
AW/80/12/	New 4 bedroom detached dwelling with integral garage & new front boundary treatment, demolition of existing single garage - Resubmission of AW/317/11	Refused 17-10-12 Appeal: Dismissed 04-11-13
AW/317/11/	New 1 No 3 bedroom detached chalet bungalow with integral garage and new boundary wall; removal of hedge tree and bushes	Refused 21-02-12
AW/111/01/	Outline application for the erection of a 4 bedroom detached house with double garage.	Refused 23-10-01

This site was subject to a planning application AW/80/12 for a new 4 bedroom detached dwelling with integral garage which was refused and subsequently dismissed on appeal. The main point arising from

the appeal decision was that the proposed house was of a modest appearance, did not display any individuality or grandeur and therefore would not embrace the ethos of the estate or its concept.

Application AW/367/15/PL was refused under delegated powers in May 2015 partly due to the impact on the character of the area and partly due to the applicants failure to agree to the Pagham Harbour contribution. The applicants lodged an appeal which was considered under the Written Representations procedure.

In the decision letter, the Inspector first addressed the weight to be applied to the relevant development plan policies in the context of the age of the Local Plan and its consistency with the National Planning Policy Framework. The Inspector ruled that the content of Arun Local Plan policies GEN7, GEN22, AREA1 & AREA2 are, as far as it goes, broadly consistent with various elements of the Framework and that consequently it is appropriate to continue to give weight to those elements of these four saved LP policies which are broadly consistent with the Framework. The Inspector also considered that modest weight should be given to the policies of the emerging Local Plan.

In respect of the loss of the plot itself, the Inspector considered that although the plot is a long established green and undeveloped space in a prominent position within the streetscene, there is little evidence to suggest that it was specifically planned to remain undeveloped or that it contributes in any other way to the significance of the Conservation Area. The Inspector found insufficient grounds to conclude that the erection of any dwelling on the plot would be unacceptable in principle.

However, the Inspector considered that the proposed house would be a very substantial building and would appear as an incongruously large, bulky and unduly dominant built form in a prominent location within the street scene, especially when frontage trees are not in leaf. The Inspector considered that on this particular plot situated between two 1930s dwellings (which are significant as examples of the building styles and forms originally envisaged for the estate), it is especially important to ensure any new development would be a harmonious addition, respecting rather than competing with its neighbours.

The Inspector noted the previous appeal decision in which that Inspector had considered the proposed house to not express the 'character of grandeur' attributed to Kingsway properties. However, the Inspector considered that the new proposal had swung the pendulum too far the other way.

The Inspector also considered that the Pagham Harbour contribution was necessary in order to conclude with certainty that the scheme in combination with other plans and projects would not be likely to have a significant effect on the integrity of the Pagham Harbour SPA.

The Inspector considered all of the other issues raised by Aldwick Parish Council, by the Craigweil House and its Environs Conservation Area Association (CHECAA) and by local residents (which included: impacts on trees, neighbouring occupiers' living conditions, vehicular access, parking, highway safety and drainage matters) but found nothing sufficient to alter or outweigh her findings on the two main issues.

SUMMARY:

The planning history suggests that a dwelling on this currently open and undeveloped plot would not be in principle inappropriate. It also suggests that the proposed dwelling should express a character of grandeur attributed to other Kingsway properties but not be so large as to appear as an incongruously large, bulky and dominant built form in this prominent location. It also suggests that there is unlikely to be any grounds for refusal on issues concerning trees, residential amenity, vehicular access, parking, highway safety or drainage matters.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

"Members objected to this application under GEN7 on the Arun Local Plan 2003 on the following grounds:

- (ii) that the development would have an unacceptable adverse impact on the following; it does not demonstrate that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind or respects and enhances local distinctiveness of adjoining occupiers,
- (iv) that it does have an unacceptable adverse impact on adjoining occupiers,
- (v) it does not take account of unacceptable adverse impacts that arise from adjoining land uses or property,
- (vi) it will not retain significant open or wooded areas which, in their own right, make a material contribution to the local environment,
- (vii) it will not allow for the safe movement of pedestrians and vehicles, and will not give priority to pedestrians.

Therefore, Members agreed that the proposed development is in direct conflict with Policy GEN7 (ii); (iv); (v); (vi) and (vii) of the Arun District Local Plan 2003. Also in direct conflict with Policy AREA2 of the Arun District Local Plan 2003 as the development will not enhance the Conservation Area"

18 letters of objection have been received along with an independent Arboricultural Review and these raise the following issues:

- (1) All of the trees along the site frontage should be protected by way of a Group Tree Preservation Order;
- (2) Loss of trees and bushes;
- (3) A fully detailed application is required for the proposed hard surfacing which will impact on tree roots;
- (4) The TPO'd Norway Maple had been wrongly described as a Sycamore;
- (5) The TPO'd Pittisporum is described in the submitted reports as being a shrub when it is in fact a small tree;
- (6) None of the existing trees have been classified as anything above a C category (trees of low quality);
- (7) Many inaccuracies and flaws within the submitted Tree statements;
- (8) Tree protection measures will be ignored;
- (9) No detailed plan of the proposed front wall, gate or gate posts so not possible to assess its impact on trees;
- (10) Proposal neither preserves nor enhances the Conservation Area;
- (11) Proposal does not make a positive contribution to the special character of the Area of Special Character;
- (12) Loss of green open space;
- (13) Impact on the setting of Brus Lodge (loss of its side garden);
- (14) Infill development out of character with the original intention of the Estate development;
- (15) Impact on the streetscene;
- (16) Further forward and further back of established building lines;
- (17) Density is out of character with surroundings;
- (18) Building is too close to the road;
- (19) Roof pitch is more imposing than 28;

- (20) Design is too modern to sit between two locally listed buildings;
- (21) Three storeys is out of character with other one or two storey houses;
- (22) Increase in traffic congestion;
- (23) Proposed gates open onto the verge and will obstruct pedestrian movement;
- (24) Inadequate parking for a house of this space which could attract 6 or 7 cars;
- (25) Access width is insufficient;
- (26) No mention of arrangements for vehicles during building works and how will mud be controlled;
- (27) Loss of light & privacy to the White House;
- (28) Limited room space and the house design is excessive for the space available and therefore overdevelopment;
- (29) Not clear as to how many floors in the building;
- (30) Proposal is similar/no better to the two previous schemes dismissed on appeal;
- (31) Conservation Officer comments are deluded/absurd/uninformed and insufficient thought and care has been given to the history of the site or the impact on the Conservation Area;
- (32) Contrary to policy HSG5 and PPG3
- (33) No such address as 28a Kingsway. This suggests plot has already been subdivided and the application should be refused for this reason alone;
- (34) Separate consent required for the new pedestrian access/footpath and this will be resisted;
- (35) An effect of this scheme would be to reduce the size of the future plot between 31 and 35 The Drive;
- (36) The existing weathered oak fencing is an important feature in its own right and will be lost;
- (37) The existing garage was previously connected with the dwelling, "Little Fellows" and is a traditional structure and should be protected;
- (38) Some of the plans use computer imagery to pretty up the pictures to gain favour;
- (39) Proposal is contrary to all of the emerging Local Plan policies;
- (40) The previous Inspector should have qualified her opinions on the principle of development; and
- (41) The existing front boundary fence between the front gate of the White House and the eastern boundary of Brus Lodge is unlawful (dismissed on appeal) and any approval of this application may legitimise it.

A further 2 letters of objection have been received in response to the amended drawings which were added to the file on 10 October 2017. The additional comments have been made:

- (42) The Tree report references Tree 01 which is owned by the Estate;
- (43) The submitted Tree Schedule and Protection Plan are confusing;
- (44) There is no right of access over the existing grass verge either for vehicles or pedestrians - and the Estate will not permit this if requested;
- (45) The orientation of the dwelling will look odd when viewed from Kingsway;
- (46) The Root Protection Areas will still be at high risk from traffic damage;
- (47) The amended northern elevation has reintroduced the roof lights which were previously removed at the request of the Conservation Officer; and
- (48) Impact of proposed hard surfacing in terms of excavation on tree roots.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are essentially a quote of Policy GEN7. The issues raised within this will be discussed within the Conclusions section.

Points 10, 11, 13, 14, 15, 16, 18, 20, 21, 22, 24, 25, 27, 28 and 45 will be discussed or expanded upon in the Conclusions section of this report. The following comments are offered in respect of the other local resident objections:

- (1) All of the trees along the site frontage should be protected by way of a Group Tree Preservation

Order;

It is not considered necessary to extend this as the other trees already benefit from Conservation Area protection.

(2) Loss of trees and bushes;

The proposal is now supported by the Councils Arboricultural Adviser and no objection is raised subject to adherence to the submitted tree protection plan.

(3) A fully detailed application is required for the proposed hard surfacing which will impact on tree roots;

The application clearly shows the extent of proposed permeable paving but further approval will be required for hard landscaping as part of the discharge of the landscaping condition.

(4) The TPO'd Norway Maple had been wrongly described as a Sycamore;

The latest Tree Schedule describes it as a Norway Maple.

(5) The TPO'd Pittisporum is described in the submitted reports as being a shrub when it is in fact a small tree;

The Pittisporum is indeed listed within the submitted reports as being part of a group of shrubs. It is understood that Pittisporum start in life as shrubs but are fast growers and can develop into small trees. However, the Councils Arboricultural Adviser has accepted this description.

(6) None of the existing trees have been classified as anything above a C category (trees of low quality);

This is acknowledged however the Councils Arboricultural Adviser has accepted this categorisation.

(7) Many inaccuracies and flaws within the submitted Tree statements.

The Councils Arboricultural Adviser initially raised concerns with the Tree Schedule but now considers that the flaws have been rectified.

(8) Tree protection measures will be ignored;

The Tree protection measures will be the subject of a planning condition and therefore, the applicants will be required to adhere to them.

(9) No detailed plan of the proposed front wall, gate or gate posts so not possible to assess its impact on trees;

The proposed wall has now been omitted from the scheme and replaced with a low picket type fence to use the same fence post holes as the existing fence.

(10) Proposal neither preserves nor enhances the Conservation Area;

The Councils Conservation Officer disagrees. Conservation Area issues will be discussed in the conclusions section of this report.

(11) Proposal does not make a positive contribution to the special character of the Area of Special

Character;

This will be discussed within the conclusions section of this report.

(12) Loss of green open space;

It should be noted that the Inspector who considered the appeal of application AW/367/15/PL stated that:

"With regard to the untypically wide appeal site as a 'green' and undeveloped space, I appreciate it is a long-established feature at a prominent position in the street scene. However I have found little of substance to indicate it was specifically planned to remain undeveloped or that it contributes in any other way to the significance of the CA. Any house on the plot would have some impacts on the character of the space and street scene but, given the multitude of different options that could be put forward, it is by no means certain that those impacts would be harmful. Thus I find insufficient grounds to conclude that the erection of any dwelling on the plot would be unacceptable in principle"

(13) Impact on the setting of Brus Lodge (loss of its side garden);

This will be discussed within the conclusions section of this report but it should be noted that the Councils Conservation Officer supports the proposal.

(14) Infill development out of character with the original intention of the Estate development;

Character will be discussed within the conclusions section of this report but regard should also be had to the decision of the previous appeal Inspector who only found harm as a result of the proposed overly dominant building which would not sit comfortably between its 1930s neighbours in terms of its size, proportions or detailed design. The principle of infill development was not considered to be an issue.

(15) Impact on the streetscene;

This will be discussed within the conclusions section of this report but it should be noted that the Councils Conservation Officer supports the proposal.

(16) Further forward and further back of established building lines;

This will be discussed within the conclusions section of this report but it should be noted that the Councils Conservation Officer supports the proposal.

(17) Density is out of character with surroundings;

The proposed site density will be the same as the previous scheme. The Inspector who considered the appeal of application AW/367/15/PL did not find any harm with the principle of 1 dwelling on this plot.

(18) Building is too close to the road;

This will be discussed within the conclusions section of this report but it should be noted that the Councils Conservation Officer supports the proposal.

(19) Roof pitch is more imposing than 28;

The proposed hipped roof pitch is 40 degrees. However, this is less than the hipped roof pitch of no. 24 at 45 degrees. It is not really possible to compare with Brus Lodge due to Brus Lodge having a half hip

on the western end and a gable on the eastern.

(20) Design is too modern to sit between two locally listed buildings;

This will be discussed within the conclusions section of this report but it should be noted that the Councils Conservation Officer supports the proposal.

(21) Three storeys is out of character with other one or two storey houses;

This will be discussed within the conclusions section of this report but it should be noted that the Councils Conservation Officer supports the proposal.

(22) Increase in traffic congestion;

Highway safety issues are considered within the conclusions section of this report and it is noted that WSCC raise no objections to the application.

(23) Proposed gates open onto the verge and will obstruct pedestrian movement;

A planning condition is proposed to require the gates to either open inwards into the site or be positioned at least 5m back from the edge of the highway.

(24) Inadequate parking for a house of this space which could attract 6 or 7 cars;

Car parking is considered within the conclusions section of this report and it is noted that WSCC raise no objections to the application.

(25) Access width is insufficient;

Highway safety issues are considered within the conclusions section of this report and it is noted that WSCC raise no objections to the application.

(26) No mention of arrangements for vehicles during building works and how will mud be controlled;

Such details would normally be controlled by a Construction Management Plan condition. However, this would not be appropriate on such a small site where there would not be the space to facilitate contractor parking within the site whilst also enabling construction and protection of trees.

(27) Loss of light & privacy to the White House;

Residential amenity issues will be considered within the conclusions section of this report.

(28) Limited room space and the house design is excessive for the space available and therefore overdevelopment;

Internal space standard compliance is considered within the conclusions section of this report. Overdevelopment is considered under Character/Design issues also within the conclusions section of the report.

(29) Not clear as to how many floors in the building;

The submitted plans show a ground floor, first floor and an addition floor within the roof space so three

floors in total.

(30) Proposal is similar/no better to the two previous schemes dismissed on appeal;

Noted. Everyone is entitled to their own viewpoint on design. This report considers design and finds it to be acceptable.

(31) Conservation Officer comments are deluded/absurd/uninformed and insufficient thought and care has been given to the history of the site or the impact on the Conservation Area;

Noted. Everyone is entitled to their own viewpoint on design.

(32) Contrary to policy HSG5 and PPG3

There is no such policy within either the Arun District Local Plan (2003) or the Arun Local Plan 2011 2031 Publication Version showing Modifications. Planning Policy Guidance Note no.(PPG3) "Housing" was replaced in 2006 by Planning Policy Statement No. 3 which was then replaced in 2012 by the National Planning Policy Framework. PPG3 is therefore not relevant to this determination.

(33) No such address as 28a Kingsway. This suggests plot has already been subdivided and the application should be refused for this reason alone;

The applicant's agent confirmed that they had mistakenly noted the site as 28a Kingsway and they requested that this be amended to "Land to the side of Brus Lodge, 28 Kingsway". This was an error and nothing more.

(34) Separate consent required for the new pedestrian access/footpath and this will be resisted;

It is noted that the Estate Company will not give consent to allow works to the verge or to fell any on verge trees. However, this is not a material planning consideration as planning permission could be granted regardless of who owns the site or whether access to the site was influenced by a third party owner.

(35) An effect of this scheme would be to reduce the size of the future plot between 31 and 35 The Drive;

This refers to the rear garden of Brus Lodge which sits between 31 and 35 The Drive. The development of this application will not affect this part of Brus Lodge's garden.

(36) The existing weathered oak fencing is an important feature in its own right and will be lost;

Noted. However, the Council's Conservation Officer does not consider this to warrant protection and it is simply a close boarded fence of which replacement with a timber picket fence can only enhance the appearance of the site.

(37) The existing garage was previously connected with the dwelling, "Little Fellows" and is a traditional structure and should be protected;

The garage is set back almost 14m from the road and is not considered to be visible from the road and is not therefore considered to contribute to the character or appearance of the Conservation Area/Area of Special Character.

(38) Some of the plans use computer imagery to pretty up the pictures to gain favour;

Noted. There is no law against using computer software.

(39) Proposal is contrary to all of the emerging Local Plan policies;

Compliance with the policies of the development will be considered within the conclusions section of this report.

(40) The previous Inspector should have qualified her opinions on the principle of development;

Noted.

(41) The existing front boundary fence between the front gate of the White House and the eastern boundary of Brus Lodge is unlawful (dismissed on appeal) and any approval of this application may legitimise it.

The Local Planning Authority disagrees with this statement. The fence in question is outside of the application site. Furthermore, it is a close boarded fence and is therefore different to the picket style fence proposed along the front of the application site.

(42) The Tree report references Tree 01 which is owned by the Estate;

The Tree survey report does indeed include this tree and states that it should be dismantled to near ground level taking care not to damage neighbouring trees. However, the applicant would not be able to do this without the permission of the estate even if this planning permission is granted.

(43) The submitted Tree Schedule and Protection Plan are confusing;

Noted however, the Council's Arboricultural consultant does not share this opinion.

(44) There is no right of access over the existing grass verge either for vehicles or pedestrians - and the Estate will not permit this if requested;

This is not a material planning consideration as planning permission could be granted for a footpath or vehicular access regardless of whether the applicant has the permission of the land owner to provide a footpath. In short land ownership issues are not material planning considerations.

(45) The orientation of the dwelling will look odd when viewed from Kingsway;

Noted. This will be considered within the conclusions section of this report.

(46) The Root Protection Areas will still be at high risk from traffic damage;

The Council's Arboricultural consultant does not raise an objection on these grounds.

(47) The amended northern elevation has reintroduced the roof lights which were previously removed at the request of the Conservation Officer; and

This was an error by the architect as the front roof lights were not shown on the other amended plans (e.g. the revised roof plan). The Applicants have rectified this with a Rev C version of the plan.

(48) Impact of proposed hard surfacing in terms of excavation on tree roots.

The Councils Arboricultural consultant does not raise an objection on these grounds.

CONSULTATIONS

WSCC Strategic Planning
Conservation Officer
Southern Water Planning
Solicitor - Legal Services
Engineering Services Manager
Engineers (Drainage)
Arboriculturist
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER: Note that a public sewer not known within SW records appears to cross the site and that this should be investigated. Also request that details of foul sewage disposal be agreed by condition.

WSCC HIGHWAYS: Did not raise objections to the previous applications. Consider that the site access has good visibility and that there is no history of accidents in the vicinity of the existing point of access. The access width is suitable and parking provision of an acceptable standard. Note that gates are shown opening outwards of the site and that this is untypical. Gates should be set back a minimum of 5 metres for the carriageway edge to allow a vehicle to be removed from the carriageway while the gates are opened. Request conditions to secure cycle parking and vehicle parking & turning.

CDC ECOLOGY: No objections. Request that any future lighting scheme take account of the presence of bats in the local area. Also request that works to the trees or vegetation clearance on the site are undertaken outside of the bird breeding season.

ADC DRAINAGE ENGINEERS: No objection.

ADC CONSERVATION OFFICER: Raise no objection. Considers that the proposed building is proportionate to the size of the site and a spacious area of softly landscaped garden will remain. Does not consider that the new building, although visible will be particularly intrusive. The proposed front boundary wall is also considered to be appropriate to the local context. Consider that the new development has been massed & scaled to complement the existing neighbouring properties and that a good quality, locally appropriate materials palette is specified. This results in a balanced relationship between the existing and new built form.

The Conservation Officer recognises that some degree of change within a conservation area is inevitable and provided that it is managed in ways that maintain & reinforce the key qualities for which the area was designated, it may avoid harm to the significance of the heritage asset. It is considered that the proposed dwelling respects the presence of the neighbouring locally listed buildings and neither competes with, nor distracts attention from them. It sits comfortably within the streetscene, achieving a balanced relationship with the existing built form and allowing the park-like qualities of the conservation area to remain predominant. Furthermore, the present proposal causes no harm to the significance of either the adjacent Buildings of Special Character or the wider conservation area.

ADC ARBORICULTURAL OFFICER: Initially raised an objection on the grounds that the development would cause harm to retained trees and would not conserve or enhance the character of the Conservation Area. He was not satisfied that adequate provisions had been made for the protection of trees & vegetation proposed for retention and found that the submitted tree schedule omitted several small trees.

Following the submission of amended plans, further advice was received which noted that the submitted tree information now correctly identified trees and provided more realistic tree management proposals including the retention of the oak T5. Further, that the submitted tree protection measures are generally more comprehensive & practicable and constitute a workable proposal in tree terms. He considered that in general, the individual trees are poor; and the shrubby growth is overgrown, with structural and health problems developing. In respect of post-occupancy, he stated that the vegetation is to the north of the proposed dwelling, with main amenity fenestration and outlooks to the rear south elevation. Therefore, retained trees will not unduly shade or dominate the proposed dwelling. A condition was recommended to ensure that the tree protection measures are adhered to.

CONSERVATION AREA ADVISORY COMMITTEE: Objection on grounds of the design being inappropriate to the location and the loss of the open space.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and conditions imposed where relevant/necessary. The conditions concerning cycle storage and bat lighting as recommended by WSCC Highways and CDC Ecology respectively are not considered to be necessary given that the scheme is for a single dwelling within an urban area.

POLICY CONTEXT

Designations applicable to site:

- Within Built Up Area Boundary;
- Article 4 Direction;
- Within a Designated Conservation Area;
- Within an Area of Special Character;
- Building of Special Character;
- Tree Preservation Order (TPO/AW/1/16); and
- No Public Sewer.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA1	Areas of Special Character
AREA2	Conservation Areas
DEV17	Affordable Housing
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN22	Buildings or Structures of Character
GEN28	Trees and Woodlands
GEN32	Noise Pollution

GEN33 Light Pollution

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
 D DM2 Internal Space Standards
 D DM3 External Space Standards
 D SP1 Design
 ECC SP2 Energy and climate change mitigation
 ENV DM2 Pagham Harbour
 ENV DM4 Protection of Trees
 HER DM2 Locally Listed Buildings or Structures of Character
 HER DM3 Conservation Areas
 HER DM4 Areas of Special Character
 HER SP1 The Historic Environment
 QE DM1 Noise Pollution
 QE DM2 Light Pollution
 SD SP2 Built -Up Area Boundary
 T SP1 Transport and Development
 W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2 Conservation Areas
 SPD2A Craigweil House, Aldwick, Conservation Area Statement
 SPD8 Areas of Special Character
 SPD9 Buildings or Structures of Character
 SPD10 Aldwick Parish Design Statement

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material

consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

There are no plans to create an Aldwick Neighbourhood Plan.

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:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. The appeal site falls within a residential area within the built-up area as defined in the Arun District Local Plan. The site also lies within the Craigweil House Conservation Area and the Craigweil House Area of Special Character (ASC).

Paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

MAIN ISSUES:

The issues that this application raises are:

- * Heritage, Character & Design;
- * Landscaping & Trees;
- * Residential Amenity;
- * Internal & External Space Standards;
- * Highway Safety & Parking; and
- * Impact on Pagham Harbour.

HERITAGE, CHARACTER & DESIGN:

The Parish Council in part object on the grounds that the application does not comply with policy GEN7(ii) of the Arun Local Plan which relates to the need for development to respect local character. In addition, local residents have raised the following concerns relevant to this section:

- * Proposal neither preserves nor enhances the Conservation Area;
- * Proposal does not make a positive contribution to the special character of the Area of Special Character;
- * Impact on the setting of Brus Lodge (loss of its side garden);
- * Infill development out of character with the original intention of the Estate development;
- * Impact on the streetscene;
- * Further forward and further back of established building lines;
- * Building is too close to the road;
- * Design is too modern to sit between two locally listed buildings;
- * Three storeys is out of character with other one or two storey houses; and
- * The orientation of the dwelling will look odd when viewed from Kingsway.

Arun Local Plan policy AREA2 states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting." In addition, Arun Local Plan policy AREA1 requires that new development "makes a positive contribution to the special character of these areas, particularly with regard to the characteristics included in the descriptions for each area given in supplementary planning guidance."

Policy GEN7 (ii) of the Arun District Local Plan 2003 requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local

characteristics. GEN22 "Buildings or Structures of Character" is also relevant and states that "Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted."

Paragraph 126 of the National Planning Policy Framework (NPPF) requires that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; and also, the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 then states that the significance of a heritage asset can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that where a proposed development will lead to either 'substantial harm' or 'less than substantial harm' then this should be weighed against the public benefits of the proposal. Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings or Conservation Areas should enhance or better reveal their significance.

In terms of general design & character issues, paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and paragraph 58 states that development should establish a strong sense of place and be visually attractive as a result of good architecture. Paragraph 64 also confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The relevant planning history is set out in full elsewhere in this report. However, in short, the 2015 application which was dismissed on appeal (AW/367/15/PL), was considered to be too substantial and would appear as an incongruously large, bulky and unduly dominant built form in a prominent location within the street scene. The Inspector suggested that any new development on this plot should be a harmonious addition, respecting rather than competing with its neighbours.

The following is a comparison of the current application versus that dismissed on appeal:

	AW/155/17/PL	AW/367/15/PL
Ridge Height	8.8m	8.9m
Eaves Height	Varied but 5.2m at highest point	5.1m
Width	15.8-16.2m	18.3-20.6m
Depth	13.4-16.4m	13.5-15.5m
Parking Provision	Double garage + driveway	Double garage + driveway
No. of Bedrooms	4 + optional 5th in roof	4 + optional 5th in roof
Front Roof	No windows	2 dormers
Rear Roof	2 velux rooflights	2 dormers
Roof Shape	Hipped	Hipped
Chimney Height	9.4m	10.3m

The current design will therefore be marginally lower (by 0.1m), will have a significantly lower chimney, will be 2.5m to 4m narrower than before (with consequently larger gaps to the boundaries) and also proposes significantly less roof level fenestration. Indeed, there will be no front roof windows and therefore, it will not be apparent to views from the street that the dwelling has roof level accommodation. This is as per the design of the existing adjacent buildings (save for one roof level window on the eastern front of no. 24).

It is therefore considered that the current application does respond to the previous reasons for appeal dismissal and can therefore be reassessed.

The Councils Conservation Officer had assessed the proposal and subject to the omission of the front

roof level velux windows (which have indeed been removed), raised no objection to the design of the scheme. It is noted that the Conservation Officer had objected to both of the previous applications.

The Conservation Officer considered that the proposed building is now proportionate to the size of the site and that a spacious area of softly landscaped garden will remain. Further, that the new building will not be particularly intrusive and has been massed & scaled to complement the existing neighbouring properties. The proposed materials palette is also considered to be of a good quality and locally appropriate.

The Conservation Officer also recognises that some degree of change within a Conservation Area is inevitable and that provided it is managed in ways that maintain & reinforce the key qualities for which the area was designated, it may avoid harm to the significance of the heritage asset. The Conservation Officer considers that the proposed dwelling respects the presence of the neighbouring locally listed buildings and neither competes with, nor distracts attention from them. It is considered that the building will sit comfortably within the streetscene, achieving a balanced relationship with the existing built form and allowing the park-like qualities of the Conservation Area to remain predominant. Furthermore, it is not considered that the proposal causes any harm to the significance of either the adjacent Buildings of Special Character or the wider Conservation Area.

It is therefore not considered that the proposed dwelling will adversely affect the character of the Conservation Area or Area of Special Character and that it will not harm the appearance or setting of the adjacent locally listed building (Brus Lodge). The loss of the side garden to Brus Lodge was considered to be acceptable by the previous Appeal Inspector.

It is noted that the new building will have a front building line forward of Brus Lodge. However, this is considered to be acceptable on the basis of the curved nature of the road (which flattens out on the eastern side of the application site) and the existing difference in building lines between 24 Kingsway and Brus Lodge. Therefore, a stepped approach to building lines is appropriate. The dwelling will be 14m to 15m from the road although this is closer than properties on the north side of Kingsway, it is comparable with distances on the south side (e.g. eastern side of no. 24 and parts of the front of Brus Lodge).

It is acknowledged that the footprint of the building has been turned slightly but it is still considered that the dwelling will front onto Kingsway and it is not considered that the dwelling will look odd due to this orientation.

It is therefore considered that the proposed dwelling will comply with all of the relevant development plan policies and in respect of the guidance on heritage & design within the National Planning Policy Framework.

LANDSCAPING & TREES:

The Parish Council in part object on the grounds that the application does not comply with policy GEN7(vi) of the Arun Local Plan which relates to the retention of significant open or wooded areas. In addition, local residents have concerns with the potential for harm to existing on-site trees.

Arun Local Plan policy GEN28 states that:

"Development will not be permitted if it would damage or destroy one or more trees protected by a tree preservation order, identified as ancient woodland or in a conservation area unless:

(a) the removal of one or more trees would be in the interests of good arboricultural practice; or

(b) the benefits of the proposed development outweigh the amenity value of the protected trees.

Emerging Local Plan policy ENV DM4 generally amends the wording of GEN28 but also specifically adds a third criteria to the above to say that works will be allowed where they would enhance the survival and growth prospects of other protected trees.

The existing site is quite heavily landscaped particularly along the site frontage and this results in the site having the appearance of a small wooded garden in what is otherwise a built up (albeit with several estate trees) residential estate. All of the existing on-site trees benefit from Conservation Area protection. However, two trees are considered to warrant a greater level of protection and are subject to Tree Preservation Orders (a Norway Maple and a Pittosporum).

The application proposes to retain three trees along the frontage (including the TPO'd Norway Maple). A mixed shrub group will be removed however whilst this includes the TPO'd Pittosporum, this individual tree will be retained. A group of 6 shrubs, a Cherry Laurel hedge and an individual Holm Oak located further into the site will all be removed.

The proposals have been assessed by the Councils Arboricultural consultant. Although an objection was initially raised, this has been resolved through the small changes to the positioning of the dwelling. The consultant therefore now supports the proposal including the proposed tree protection measures. The consultant notes that the individual trees are generally poor and that the shrubby growth is overgrown, with structural and health problems developing. Furthermore that the retained trees will not unduly shade or dominate the proposed dwelling.

The applicant has also amended their plans for the front boundary and now proposes to reuse existing fence post holes to create a new picket style fence rather than constructing a wall along the boundary.

On this basis, it is considered that the proposed development complies with policy GEN28 of the Local Plan also having regard to policy ENV DM4 of the emerging Local Plan.

RESIDENTIAL AMENITY:

The Parish Council in part object on the grounds that the application does not comply with policy GEN7(iv) of the Arun Local Plan which relates to the need for the protection of the amenity of neighbouring residents. In addition, local residents in part object on the grounds of a potential loss of light and privacy to the adjacent dwelling known as the "White House" (24 Kingsway).

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Furthermore, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Although no. 24 does adjoin the application site, the main part of that dwelling will be some 14.5m from the western flank wall of the proposed house. This is considered to be more than adequate to prevent any instance of overshadowing.

In respect of overlooking, although a roof light is proposed in the western roof plane and two windows at first floor level below, all of these will serve bathrooms and therefore could be conditioned to be obscure glazed which would prevent any overlooking. The same is true of the windows to the east elevation. There is also considered to be a sufficient distance between the front windows of the dwelling & properties opposite and between the rear windows and no. 31 The Drive to the rear in order to adequately mitigate any instances of overlooking

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv) and the guidance on residential amenity within the National Planning Policy Framework.

INTERNAL & EXTERNAL SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Governments Technical Housing Standards (Nationally Described Space Standard). It is noted that one of the local resident objections was on the grounds of limited room space. The requirement for a three storey, 5 bedroom, 8 person dwelling is 134m² but the proposed dwelling far exceeds this standard.

Policy D DM3 of the modified eALP sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden and in this case should be at least 100m². The proposed rear garden will be between 11.5m and 14m deep with a width of 24m. It is therefore considered to be in accordance with the policy.

HIGHWAY SAFETY & PARKING:

The Parish Council in part object on the grounds that the application does not comply with policy GEN7(vii) of the Arun Local Plan which relates to the safe movement of pedestrians and vehicles. In addition, local residents have raised the following concerns relevant to this section:

- * Increase in traffic congestion;
- * Inadequate parking for a house of this space which could attract 6 or 7 cars; and
- * Access width is insufficient.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 3 spaces. The proposed dwelling provides 2 garage spaces and at least 2 additional off-street spaces. The retention of the garage for the parking of vehicles could be secured by an appropriately worded condition.

There are no adopted development policies which cover highway safety. Instead regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

WSC Highways have assessed the proposal and they consider that the site access has good visibility and that there is no history of accidents in the vicinity of the existing point of access. Furthermore, the access width is suitable and parking provision of an acceptable standard. Therefore, no objection is raised.

It is acknowledged that the vehicle entrance gates are shown opening outwards of the site, that this is an untypical arrangement and that this may hinder pedestrian movements outside the site. Therefore, a condition is proposed to requires that the gates open inwards.

It is therefore considered that the proposal complies with the relevant policies of the development plan and the guidance of the National Planning Policy Framework.

IMPACT ON PAGHAM HARBOUR:

Policy ENV DM2 (as modified) states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

Subsequently, the Councils Cabinet approved a reduction in the tariff from £1275 to £871 as of the 10th April 2017.

Paragraph 014 (Reference ID 23b-014-20160519) of the Planning Practice Guidance describes tariff style contributions. It clearly states that these consist of contributions to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. The Council accepts that the Pagham Harbour contribution is based on a tariff. However, the contribution is required to fund strategic access management and monitoring measures (SAMMs) which are necessary to meet the requirements of European law (transposed into English law through the Conservation of Habitats and Species Regulations 2010). Essentially this requires the Council to maintain, if not improve, the existing condition of the site.

As these SAMMs do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning that the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply.

Regard is also had to the appeal decision of application AW/367/15/PL where the Inspector accepted the need for a contribution in respect of the Pagham Harbour mitigation measures and partly refused the application on the basis that the applicant would not agree to the contribution.

Furthermore, it should be noted that this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" (copy previously provided with the submitted appeal questionnaire) states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to secure any compensatory or mitigation measures and appropriate management that may be required."

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling resulted in a contribution of £871 (at the current rate) and this has been secured by the signed S.106 legal agreement.

SUMMARY:

It is considered that this proposed infill development would provide one new dwelling without overdeveloping the site, compromising the character of the area, causing harm to heritage assets, harming trees of importance, adversely affecting the amenities of neighbouring properties or harming the safety of Kingsway. It is also considered that the proposal complies with all relevant development plan policies.

The proposal will bring about localised economic and social benefits arising from the provision of a new family sized dwelling and the process of constructing it. The site is considered to lie in a sustainable urban location within walking distance of nearby shops, facilities/services and public transport links.

In the absence of any unacceptable harm, and given that the proposal represents sustainable development and in accordance with paragraphs 14 & 49 of the National Planning Policy Framework, it is recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision is accompanied by a Section 106 legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area. This is payable on commencement of development. The Section 106 Agreement has been signed by all

parties and is considered to be complete.

RECOMMENDATION
1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
2 The development hereby approved shall be carried out in accordance with the following approved plans: * "Location Plan" dwg. TSP 481 PL20 Rev A; * "Block Plan" dwg. TSP 481 PL21 Rev B; * "Proposed Site Plan" (inc comparison with original submission) dwg. TSP 481 PL22 Rev C; * "Proposed Site Plan" (inc comparison with AW/367/15/PL submission) dwg. 481 PL28; * "Proposed Ground/First Floor Layouts" dwg. TSP 481 PL23 Rev B; * "Proposed Second Floor Layout & Roof Plan" dwg. TSP 481 PL24 Rev A; * "Proposed Elevations 1 (North & East)" dwg. TSP 481 PL26 Rev C; * "Sketch Elevations 2 (South & West)" dwg. TSP 481 PL27 Rev A; * "Existing & Proposed Street Elevation" dwg. TSP 481 PL25 Rev B; * "Tree Constraints Plan" dwg. LLD856/01 Rev 03; and * "Tree Retention and Protection" dwg. LLD856/02 Rev 03. Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
3 All demolition & construction works are to be carried out in strict accordance with the submitted "Tree Retention and Protection Plan" dwg. LLD856 02 Rev 03 and the "Existing Tree Schedule and Schedule of Tree Works" (18 September 2017) Ref: LLD856 Rev 04. Reason: To comply with BS5837 and the National Planning Policy Framework 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.
4 Development shall not commence unless and until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order. Reason: To ensure that the proposed development has a satisfactory means of disposing of foul & surface water sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to agree the foul sewerage system prior to commencing any building works.
5 Development shall not commence until full details of the proposed measures to be undertaken to protect the existing public sewer shown to be crossing the site have been submitted and approved in writing by the Local Planning Authority (in conjunction with Southern Water). The dwelling shall not be occupied until the measures in respect of protecting the sewers have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to investigate the presence of sewers and ensure that these are protected prior to commencing any building works.

- 6 No development above damp proof course (DPC) level shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, window frames and roofs of the proposed house have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 7 No development above damp proof course (DPC) level shall take place until details of the proposed new boundary walls and/or fences to the northern and eastern boundaries have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such new boundary walls and/or fences associated with it have been erected.

Reason: In the interests of amenity in accordance with policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 8 The approved dwelling shall not be occupied until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the building 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 policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 9 Before the dwelling hereby permitted is occupied, waste & recycling bin enclosures shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. These enclosures shall thereafter be retained and maintained as fit for purpose.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 10 No part of the development shall be first occupied until the car parking and turning facilities for the new dwelling have been constructed in accordance with the approved site plan. These areas shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 11 The proposed integral garage shall be used only as private domestic garages for the parking

of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 12 The three first floor east and west facing flank en-suite bathroom windows shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policy GEN7 of the Arun District Local Plan.

- 13 The two windows on the east and west facing roof planes shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policy GEN7 of the Arun District Local Plan.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the western and eastern flank elevations of the building or the northern roof plane without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 15 Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the building shall not be extended or altered in any way (other than in accordance with Classes G and H) and no buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 16 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 17 The proposed access gates shall either open inwards into the site or be positioned at least 5m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gates are being operated. No outward opening of any gates would be allowed.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles or open gates in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 18 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.
- 19 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.
- 20 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.
- 21 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 22 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.