

REPORT UPDATE

Application No: AW/28/19/PL

Reason for the Update / Changes

Reason for Update/Changes:

The Agreement to secure the Pagham Harbour Contribution of £871 has now been completed and the recommendation has therefore been changed to:

APPROVE CONDITIONALLY WITH SECTION 106 AGREEMENT.

Officers Comment:

The changes to the recommendation are shown on the attached replacement recommendation sheet.

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: AW/28/19/PL

LOCATION: Rear of 276 Aldwick Road
Aldwick
PO21 3QH

PROPOSAL: Erection of 1 No. dwelling & associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Detached 1.5 storey, 3 bed house in rear garden of 276 Aldwick Road. The house would have its first floor in the roof with two small dormers facing west, one facing east and four velux windows. It will be 2.25m to the eaves and 6.8m to the ridge. The curtilage includes two off-street parking spaces, driveway for turning, a bin storage area and gardens to three sides.
SITE AREA	0.04 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	25 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but ground level is slightly higher than the surrounding roads in places.
TREES	There are several trees dotted along boundaries of the site and in the very northern corner. These are plotted on the Tree Constraints Plan and are predominantly classed as unsuitable

	for retention. The only tree of moderate quality is the TPO protected Cypress Monterey on the east boundary. The application proposes to fell 6 trees & 1 shrub and carry out pruning works to a further 4. The TPO protected Cypress Monterey will be crown reduced by 1m to its westerly aspect.
BOUNDARY TREATMENT	The site is bordered by 1.8m high close boarded fencing to the rear & rear sides, and with a lower 1m high fence to the front/front sides of the existing house.
SITE CHARACTERISTICS	The site comprises part of the rear garden to a substantial 2 storey detached dwelling. There is off-street parking to the front of the house (which takes access via a slip road/drive off the Lower Bognor Road/Aldwick Road roundabout). The existing dwelling has three dormers on the rear with red brickwork at the lower level, red tile hanging on the upper levels, white window frames and a red tiled roof. On the western side of the rear garden, there is a bellmouth access off Margaret Close (although this does not enter the site).
CHARACTER OF LOCALITY	Part of a predominantly residential area comprising a mixed style of detached, semi-detached and terraced dwellings and between 1-2 storeys in height. The site's location within an 'island' formed by the Lower Bognor Road to the east, Aldwick Road to the south, Margaret Close to the North and a part Margaret Close off-shoot/part footpath to the west, means that it is not read visually in the context of surrounding development. There is also a duck pond and a public amenity/seating area to the west of the footpath. The site is edged on all sides by grass verge.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

OBJECTED to this application on the following grounds which are in direct conflict with the following policies of the Arun Local Plan 2011 - 2031;

(1) Policy D SP1 Design - This application will not reflect the characteristics of the site and local area in its layout, landscaping, density, mix, scale massing, character or finish.

(2) Policy HER DM4 Areas of Character - This area is a designated area of Special Character within Aldwick and will not guarantee the retention of trees, hedges, Boundary walls and open spaces, therefore it is in direct conflict with this policy and the Aldwick Parish Council Design Statement.

(3) Policy ENV DM4 Protection of Trees - The application will result in the removal of Trees which cannot be justified by A, B, or C of Policy ENV DM4.

(4) Policy QE SP1 Quality of the Environment - This application will not contribute positively to the quality of the environment and will have a significantly negative impact upon residential amenity, the natural environment, leisure and recreational activities enjoyed by residents and visitors to the District. Members also expressed concern that 2 to 3 designated car parking spaces designed for visitors to the duck pond will be removed to provide a drive facility for a private dwelling.

38 letters of objection raising the following concerns:

- (1) Loss of 2 Duck Pond parking spaces resulting in 50% reduction in parking spaces;
- (2) There is a visibility issue at junction of Margaret Close with Lower Bognor Road due to drivers exceeding speed limits;
- (3) Harm to pedestrian safety in the cul-de-sac particularly as pedestrians will concentrate on feeding ducks not watching for traffic;
- (4) Access should be from the roundabout or on the eastern side;
- (5) Harm to Duck Pond site;
- (6) Harm to Area of Outstanding Natural Beauty;
- (7) No bat survey carried out;
- (8) Biodiversity checklist states wrongly that no structures on site to support bats;
- (9) Natural England response does not investigate ecological issues;
- (10) Harm to wildlife (bats, birds, amphibians, foxes) from tree removal/disturbance;
- (11) Loss of/harm to trees;
- (12) Future pressure for felling/pruning of trees;
- (13) Urbanising impact on local character / loss of rural character;
- (14) Harm to views from 2 Margaret Close;
- (15) Harm to privacy of 1 Margaret Close;
- (16) The Location Plan suggests that the pond is further from the site as the duck pond island is labelled as the duck pond itself; and
- (17) Understood that the developer also wants to demolish 276 Aldwick Road to build more dwellings.

In addition, one letter of "no objection" has been received with a comment to say that many of the objectors are misinformed as the pond is not being developed.

COMMENTS ON REPRESENTATIONS RECEIVED:

ALDWICK PARISH COUNCIL -

Local Plan policies D SP1, HER DM4, ENV DM4 and QE SP1 will be discussed in the conclusions section of this report. Likewise for the guidance within the Aldwick Parish Council Design Statement.

In response to loss of parking for the duck pond, members should note that (a) there is no signage or road markings to indicate that this parking is a formal arrangement; (2) WSCC have not objected to the use of the informal parking area for access; (3) there is no planning history referencing the creation of the parking area; (4) WSCC have advised (see consultation response) that the informal parking area was likely originally used as a turning area/Farm access (for Old Farm) before the development of Margaret Close took place.

LOCAL RESIDENTS -

- (1) As above response to the Parish Council objection;
- (2) WSCC Highways do not consider there to be a severe visibility issue;
- (4) WSCC Highways raise no objection to the proposed access arrangements.
- (5) There will be no direct harm to the duck pond but the impact of the development on the established local character (including the duck pond area) will be considered in the report's conclusions;
- (7) This has since been rectified after a request was made for surveys to be provided;
- (8) The existing house does not form part of the site;
- (10) Noted however the Councils Ecologist considers that the site can be developed in such a way as to avoid or mitigate any harm;
- (11) & (12) This will be considered in the report's conclusions section;
- (13) The impact on local character will be considered in the report's conclusions section. However, it should be noted that the site does not lie in a rural area;

(15) This will be considered in the report's conclusions section;

The letter of 'no objection' is noted.

CONSULTATIONS

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Natural England

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection subject to a contribution being secured towards mitigation measures at Pagham Harbour. Also state that they have not assessed this application for impacts on protected species and that instead the Natural England Standing Advice should be consulted.

WSCC HIGHWAYS - No objection subject to conditions to secure car and cycle parking. Their comments are summarised below:

- There appears to be no apparent visibility issue at the access onto Margaret Close or Lower Bognor Road;
- One additional dwelling is not expected to significantly increase road traffic within the vicinity;
- Highway accident data shows no recorded injury accidents within the vicinity of the site;
- A property of this size in this location would require 2 cars to fulfil its needs, which the plans meet;
- The 2 spaces are of the correct dimensions and the driveway is big enough to allow adequate space for turning.
- The area of hardstanding adjoining the access is currently used by visitors to the nearby pond;
- The access is not considered to be located in an unsafe location on the network it is lightly trafficked and subject to slow speeds; and
- WSCC do not consider the proposal would have 'severe' impact on the operation of the Highway network.

WSCC Highways were asked to advise whether they hold records of why the bellmouth was added to the west side boundary of 276 Aldwick Road. They responded (02/04/19) to state that this area was once the original route of the B2166, and was probably used as a turning area/farm access (for Old Farm) before the development of Margaret Close. They do not provide confirmation of this area ever being formally designated for as Duck Pond parking.

COUNCILS ECOLOGIST - raise no objection subject to conditions to control lighting, protect birds nests in trees, ensure careful clearance of the land and protect the hedgerows during construction.

ADC DRAINAGE ENGINEER - Raise no objection subject to a surface water drainage condition.

ADC TREE OFFICER - Full comments are available on the Councils website (16/08/19) - in summary raises no objection with the following comments:

- The provision of cross section drawings demonstrate a viable scheme for no-dig construction which

should be harmonious with surrounding ground levels and built structure;

- The scheme demonstrates that service routes are achievable without harm to trees;
- Adequate information has now been provided in support of the no-dig solution to root protection area incursion, necessary to provide vehicle access and hardstanding;

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and all recommended conditions are included within the recommendation.

In respect of the Natural England comments, the Standing Advice does not need to be consulted where advice is provided by the Council's ecologist.

The impact on trees will be further discussed in the conclusions section of this report.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Class B & C Roads;
 Pagham Harbour Zone B;
 No Public Sewer on site;
 Area of Special Character;
 Within 2km of Bognor Reef SSSI; and
 Tree Preservation Orders (refs Bognor No. 2 & AW/26/10).

TPO/AW/26/10 protects a Magnolia and a Beech tree situated to the front of the existing dwelling. It protects a Cypress Leyland and a Cypress Monterey on the eastern boundary (but only the Monterey is within the application site).

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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
HERDM4	HER DM4 Areas of Special Character
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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.

There is no Neighbourhood Plan for Aldwick.

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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area (including existing trees), to the amenity of neighbouring residents, the biodiversity value of the site & surroundings or result in a severe impact on the local highway. The proposal makes the appropriate provision for the protection of Pagham Harbour.

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:

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering

development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

The site is located in a sustainable location in cycling distance of local shops and of Bognor Regis town centre. There are a number of bus stops in the area which are within a short walk of the site. All of these walking and cycling routes are safe and well lit. The development also supports the local community by providing a new house to help meet future needs, increase Council tax receipts, create/maintain construction jobs and result in additional spending in the local area by future residents.

It is noted that the National Planning Policy Framework (NPPF) advocates the effective use of land. Paragraph 118 (d) states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". The Council cannot currently demonstrate an NPPF compliant 5 year supply of housing land and it is important to boost housing numbers within the district.

The proposal is considered to accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

HERITAGE ASSETS:

The site forms part of the locally designated Aldwick Road Area of Character (AOC) which has historical connections and is considered for the purposes of the NPPF to be a non-designated heritage asset. ALP Policy HER DM4 is relevant and states that planning permission will be granted subject to the following relevant criteria:

- the retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc. which make positive contributions to the special character of the areas; and
- new development preserving, and where possible, enhancing the special character of these areas.

The separate Areas of Special Character Supplementary Planning Document (SPD) states that the distinguishing features of this area include the Duck Pond and the heavy, extremely attractive and mature landscaping.

Paragraph 197 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

It is accepted this proposal results in the removal and pruning of some existing trees. It is proposed to fell 6 out of 32 individual trees (not including groups of shrubs) whilst the proposed pruning works are not considered to be significant (and do not attract any objections from the Councils Tree Officer).

There may as a result of the development be future pressure to prune or fell additional trees. Despite the AoC designation, there are no planning controls on the felling or pruning of trees (other than for those trees protected by TPO) and a further Tree Preservation Order could be proposed if the Council considered it necessary to blanket protect the site's trees.

The dwelling is an appropriate design and density such that the new dwelling will not harm local character. Existing trees screen much of the site from view and will, to an extent, continue to do so.

Although the proposal has an impact on the Area of Character it is not considered to be of a scale likely to affect the significance on the non-designated heritage asset and will not be materially harmful to the character of the AoC. The proposal complies with guidance in the NPPF and policy HER DM4 and with the Areas of Special Character SPD.

CHARACTER & DESIGN:

ALP policy D DM1 requires 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.

The proposal represents back land development as it is sited in the rear garden of a dwelling. This is not considered harmful to local character as the new dwelling is sited fronting a part of Margaret Close to the west retains a street frontage and will not be read visually as the development of garden land. The proposal is not overdevelopment as the density of the site together with the existing house is 12 dwellings per hectare. Also, there will be a gap of between 13 and 16m between the two dwellings.

The size of the two plots and the footprint of the new house are not dissimilar to those of other houses in the area particularly those in Margaret Close to the north west. The new house is lower than 276 Aldwick Road but there are 1 and 1.5 storey dwellings in the local area (again, such as within in Margaret Close). There are instances of dormers within the local area. The new dwelling will be largely hidden behind existing foliage to the boundaries and will not be overly visible to external views. The proposal is appropriate in design, scale and form and complies with ALP policies D DM1 and D SP1.

The Aldwick Parish Design Statement is not policy but as adopted guidance has to be considered as a material planning consideration. In respect of the Aldwick Road Character Area 13, the following development control criteria are considered to be relevant to this proposal:

- New or replacement buildings or extensions should be visually subservient and related to the existing building and not vary significantly in height or bulk from those nearby.
- When any development is undertaken existing separation of dwellings should be preserved to prevent unneighbourly cramped or visually intrusive closure of gaps or establishment of ill conceived linkages between buildings.
- Materials matching the existing building should be used where appropriate.
- Exercise strict control over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings. Any roof redesign should be sympathetic and in keeping with the character of existing properties.
- Existing pattern should be maintained e.g. setback and density.
- The amenity trees, spaces and access ways should be retained trees lost to damage or disease should be replanted/replaced.

The proposal partly conflicts with the above in respect of the loss of some trees and the development of an existing garden. However, it is not considered that this conflict is of such weight as to override the compliance with development plan policy.

IMPACT ON TREES:

ALP policy ENV DM4 seeks to protect trees protected by a Tree Preservation Order (TPO) or those contributing to local amenity. It allows for tree removal where such is required in the interests of good

arboricultural practice, or where this would enhance the survival and growth prospects of other protected trees or where the benefits outweigh the harm.

The proposal seeks to remove 6 trees and to perform pruning works on a further 4 out of a total of 32. This proposal is supported by a Tree Survey, Tree Protection & Retention Plan and an Arboricultural Impact Assessment and Method Statement.

There has been lengthy negotiation with the applicant and submission of further information in order for the Councils Tree Officer to be satisfied that the scheme can proceed without risk of harm to important on-site trees. The Councils Tree Officer does not object on Arboricultural grounds. It is accepted the officer maintains a concern regarding future pressure to prune or fell additional trees. However, these concerns are considered elsewhere in this report and are not such that a refusal could be sustained.

It is therefore considered that the proposal is in accordance with ALP policy ENV DM4.

HIGHWAY SAFETY AND PARKING:

Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it 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 new development be located in easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

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."

Access will be from an existing lightly trafficked and low speed road (a part of Margaret Close). This in turn feeds onto the main section of Margaret Close which is not a fast or busy road. WSCC Highways have appraised the proposal and raise no objections. The impact of a dwelling would not be severe.

There is a demand for 2 off street spaces and the proposal accords with the likely demand. Visitor parking requirements could be met locally without harm to highway safety. There is space on the site for a cycle storage shed. The proposal provides sufficient parking for the needs of the dwelling and therefore complies with Arun Local Plan policy T SP1.

RESIDENTIAL AMENITY:

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. 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". 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.

The Council has no policies regarding the relationship between dwellings. However, 20m between the backs of dwellings is an accepted general standard and ensures that rear private gardens to houses are

at least 10m deep. Also 13.5m is an accepted standard for side to front/rear relationships. There is no general standard for flank to flank but flanks do not tend to contain principal windows therefore a narrower gap is often appropriate.

The dwelling is not considered to result in privacy impacts to dwellings other than 276 Aldwick Road. It is accepted that the owner of 1 Margaret Close considers that there will be overlooking of their property, however, the new house will be over 20m from the side boundary to 1 Margaret Close and this represents a front to side relationship therefore there will be no material harm.

As the dwelling is to the north of the existing and with a gap of 13-16m, there will be no loss of light to 276's retained garden. With no proposed windows on the south elevation, no overlooking of 276's retained rear garden. The interface relationship between these two dwellings is a flank to rear therefore a distance of 13-16m is acceptable. The new house and access will generate new activity in the immediate area but this is not considered to be materially harmful given that the site lies in an urban area, in close proximity of roads and houses.

The proposal complies with ALP policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

INTERNAL & EXTERNAL SPACE STANDARDS:

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 necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The requirement for a two storey, 3 bedroom, 6 person dwelling is 102m² - the dwelling far exceeds this standard (at about 160m²).

The house has a private garden to three sides of the site. The existing dwelling will also have private garden on three sides including a predominantly 12.5m deep rear garden. The scheme provides a good standard of amenity for future occupiers.

The proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity within the NPPF.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 requires that 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 Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The site lies in the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling results in a contribution of £871 at the current rate. The applicant has agreed to this contribution but at the time of writing, the agreement has not been signed.

SUMMARY:

The development represents efficient use of a garden in the urban area. The dwelling will not have any adverse impact on the character of the area including with reference to the Area of Character and will not be materially harmful to trees of amenity value. There are no highway concerns and matters of ecology

have been resolved through the ecological impact assessment. The above assessment concludes the proposal is acceptable in all respects and complies with all of the relevant development plan policies. It is considered this application is acceptable in all regards and should be approved.

As the legal agreement to secure the Pagham Harbour contribution hasn't been signed, it is requested that the Development Control Committee agree to delegate the approval of planning permission, to the Group Head of Planning for a decision to be issued once the legal agreement has been completed.

Should the agreement be signed prior to the date of the Committee, then a report update will be produced to update members and amend the recommendation.

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 will be granted with a legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

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:

P02 "Location and Block Plan";
 P02 "Proposed Floor Plans, Roof Plan and Elevations";
 LLD1612-ARB-DWG-002 Rev 01 "Tree Retention and Protection Plan";
 LLD1612-ARB-DWG-003 Rev 00 "Location of Section Lines/Levels";
 LLD1612-ARB-DWG-004 Rev 00 "No Dig Construction Indicative Section";
 LLD1612-ARB-DWG-005 Rev 00 "No Dig Construction Section A-A";
 LLD1612-ARB-DWG-006 Rev 00 "No Dig Construction Section B-B"; and
 LLD1612-ARB-DWG-007 Rev 00 "No Dig Construction Section C-C".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1, QE SP1, D DM1, HER DM4 and ENV DM4 of the Arun Local Plan.

- 3 All activity is to be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement, LLD1612-ARB-REP-001, Rev 01, Lizard Landscape Design and Ecology.

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.

- 4 The development must be carried out in accordance with the mitigation and enhancement measures as set out within sections 5.0 and 6.0 of the submitted Ecological Impact Assessment by Lizard Landscape Design and Ecology (ref LLD1612 Rev 00, dated 09/05/19). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose. There shall also be continued management of the site to prevent reptile habitat from developing on the site during the construction process.

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

- 5 No construction activities shall take place, other than between the hours of 8:00am - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, bank and public holidays.

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

- 6 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. LLD1612-ARB-DWG-002, Rev 01, Lizard Landscape Design and Ecology.

- 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.

- 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.

Reason: 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 protected prior to any commencement of building works.

- 7 Prior to the commencement of development, the developer shall provide a buffer zone to the hedges along the site boundaries to be secured by temporary security fencing placed in such a manner so that the fencing is not touching the hedgerow. The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Once construction is completed, the fencing shall be removed and the hedgerows permanently retained as a natural area for wildlife.

Reason: In order to protect wildlife habitat (bats, reptiles) and in the interests of general biodiversity in accordance with policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that the wildlife habitat is protected prior to the start of construction works.

- 8 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.

- 9 No development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for external walls and roofs of the proposed building 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 and the character & appearance of the surroundings by endeavouring to achieve a building of visual quality in accordance with policies D DM1 and HER DM4 of the Arun Local Plan.

- 10 No development above damp proof course (DPC) level shall take place until details of any new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such agreed screen walls and/or fences

associated with them have been erected.

Reason: In the interests of amenity and the protection of trees in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 11 The dwelling, hereby approved, shall not be occupied until the car parking has been constructed in accordance with the approved site plan. This space shall thereafter be retained at all times for its designated use.

Reason: To provide adequate on-site car parking space for the development in accordance with policy T SP1 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

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

- 13 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 14 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 policy ENV DM5 of the Arun Local Plan.

- 15 All 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; and
- 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 and policy ENV DM4 of the Arun Local Plan.

- 16 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.

- 17 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

- 18 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (excepting dormer windows) to the dwelling house shall be constructed or 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, ensure continued protection of important trees and safeguard the cohesive appearance of the development in accordance with policies D DM1, ENV DM5 and HER DM4 of the Arun Local Plan.

- 19 INFORMATIVE: This decision has been granted with a s106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 20 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.

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

<https://beta.southernwater.co.uk/infrastructurecharges>.