

REPORT UPDATE

Application No: BN/21/22/PL

Reason for the Update / Changes

Reason for Updates:

The council's ecologist responded on 20/09/2022 to state "We are now satisfied that there is sufficient ecological information available for determination of this application. Following the completion of the recommended bat surveys, we consider that the surveys were conducted using the appropriate methodology and the report has recommended mitigation and enhancement measures."

They therefore state no objection subject to additional conditions regarding biodiversity mitigation and enhancement measures.

Page 67 of the agenda refers to the site being affected by "HRA Buffers (SD10)". This refers to the 12km buffer from the Singleton & Cocking Tunnels Special Area of Conservation, however, this is an error as the edge of this designation is actually some 640m to the north-west of the site.

Officers Comment:

There is no change to the recommendation, but two new conditions are proposed (numbered 15 & 16) and condition 17 has also been amended. These changes 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: BN/21/22/PL

LOCATION: The Hollies
84 Barnham Road
Eastergate
PO22 0ES

PROPOSAL: Demolition of existing care home and construction of 5 no. dwellings and garaging, with landscaping and associated works. This application affects the setting of a listed building and is in CIL Zone 2 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	As above. The houses would be in a linear pattern fronting the access road. The existing vehicular access on Barnham Road would be utilised.
SITE AREA	0.34 hectares.

RESIDENTIAL DEVELOPMENT 15 dwellings/hectare
DENSITY

TOPOGRAPHY

Predominantly flat.

TREES

There are trees on the site and third party land which may be affected by the development.

BOUNDARY TREATMENT

Close boarded fencing to the rear and western boundary, in combination with white rendered brick walls approximately 1.8m - 2m in height.

SITE CHARACTERISTICS

The site is in an Area of Character in the centre of Barnham and the property immediately to the south is a Grade II listed building. The site contains a former care home - a two-storey building with a multi-pitched hipped roof, and a single-storey rear addition which extends from the eastern elevation. It sits to the rear of the plot with lawn to the front. The plot is large and heavily treed to the eastern boundary forward of the building on site.

CHARACTER OF LOCALITY

The surrounding area to the west, north and east is residential with services and retail uses along Barnham Road to the south and Barnham Railway Station on the other side of the road to the west. The Area of Character description notes the "collection of Edwardian style dwellings (which) enhances the area substantially, reflecting the growth of the settlement after the completion of the railway junction.

RELEVANT SITE HISTORY

EG/104/06/	One bedroom flat unit for 2 no. care residents within existing residential care home.	ApproveConditionally 15-01-07
EG/68/04/	Change of use of 'The Retreat' from office/administration to a single residential unit.	ApproveConditionally 01-09-04

REPRESENTATIONS

Barnham and Eastergate Parish Council: objection.

- This site is not allocated in the new made Barnham & Eastergate Neighbourhood Plan.
- The increase in traffic would have a negative impact on the villages.
- The scheme is not in conformity with policies H1 Housing, H2 Windfall sites, EE2 Retention of employment land, ES7 Conserving and enhancing Non-designated Heritage Assets, ES5 Quality of design, ES10 Trees and Hedgerows, ES17 Singelton and Cocking tunnels and policy ES16 Dark night skies.

2 letters of objection:

- The second story window on the northeast side of plot 5 would overlook windows and gardens of adjacent property.

- If an existing care home is to be demolished then a purpose-built care home should be constructed in its place, not 5 dwelling adding to the already congested area around the Barnham Road.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The issues are discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

PRINCIPAL CONSERVATION OFFICER:

The loss of the existing building will not result in a loss of historic fabric, and, in fact, offers the opportunity for development to better reflect the character of the local area. Some vegetation forming the southern boundary of unit one, which if carefully designed will, along with the communal area, will help to soften and screen the development. Any new planting should be specified at a size to allow for instant impact, whilst allowing for it to further mature.

The application is considered to not cause harm to the significance of the heritage assets or their setting.

ADC GREENSPACE: No objection subject to submission of soft landscape details.

DRAINAGE ENGINEERS: No objection, subject to conditions.

Existing and proposed trees (root protection zones) must not conflict with suds features/pipework. The tree officer would need to be consulted about the proposals for permeable paving installed with no dig construction in tree root protection areas when a discharge of conditions application is made.

WSCC HIGHWAYS: No objection, subject to conditions.

This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore it is not contrary to the NPPF (paragraph 111), and there are no transport grounds on which to resist the proposal.

SOUTHERN WATER: Requires a formal application for a connection to the public foul sewer to be made.

ENVIRONMENTAL HEALTH: No objection subject to conditions.

NATURAL ENGLAND: No comments.

ECOLOGY: Further bat emergence surveys were required by the Ecology Officer to determine if bats are roosting onsite prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September). The applicant provided the required Extended Phase 1 Ecological & Bat Roost Assessment on 8th of August 2022 and the Ecology Officer has been re-consulted. Any comments received will be reported in a supplementary report.

ADC TREE OFFICER: No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary;
Lidsey Treatment Catchment;
WSCC Mineral Consultation Area;
HRA Buffers (SD10);

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM4	HER DM4 Areas of Character
QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Barnham & Eastergate Neighbourhood Plan 2019 Trees and Hedgerows
POLICY ES10

Barnham & Eastergate Neighbourhood Plan 2019 Dark night skies
POLICY ES16

Barnham & Eastergate Neighbourhood Plan 2019 Singleton and Cocking Tunnels SAC
POLICY ES17

Barnham & Eastergate Neighbourhood Plan 2019 Reducing Flood Risk
POLICY ES1b

Barnham & Eastergate Neighbourhood Plan 2019 Quality of design
POLICY ES5

Barnham & Eastergate Neighbourhood Plan 2019 Parking and new development
POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2019 Outdoor space
POLICY H5

Barnham & Eastergate Neighbourhood Plan 2019 Attention to detail
POLICY H6

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

Relevant policies in the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 have been taken into account in the determination of this application.

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 complies 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 adverse impacts upon the setting of the Listed Building or the established character of the surrounding area.

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

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

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

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**KEY ISSUES**

The key issues are principle, design and visual/residential amenity, space standards, highways/traffic, heritage, and natural environment.

PRINCIPLE

The proposal seeks permission for the replacement of a care home in the Built-Up Area Boundary (BUAB). This accords with Arun Local Plan (ALP) policy SD SP2 which seeks to focus new development in the BUABs. The development is acceptable in principle subject to accordance with relevant development plan policies. The key policies of the Arun Local Plan are D SP1, D DM1, D DM2, HER DM1 and T SP1 of the Arun Local Plan, policies ES5, GA4 of B&ENDP and relevant paragraphs of the NPPF.

Policy SD SP1 of the Arun Local Plan advocates that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area.

Para 120 (d) of the NPPF 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 where land supply is constrained, and available sites could be used more effectively)". Paragraph 124(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

Due to the position of the site the dwellings would not conflict with the policies above which allow for development or redevelopment in the built-up area. The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF. The policies most relevant to this application are not out of date.

VISUAL IMPACT

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area, including in respect of scale, character, materials, finish. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, landscaping and scale.

Policy ES5 Quality of Design of the B&ENP requires new residential developments to be of high- quality design and will only be permitted where they conserve and enhance landscape character, integrate with the local landscape and built environment; contribute to and conserve the features which contribute to the distinctive character, pattern and evolution of the landscape.

Part 4 of the B&E Design Guide (2020) refers to the size of a proposed development, whether of new properties or extensions to existing properties, and advises that this should be appropriate to the size of the plot and the extent to which the development will 'urbanise' the street scene. Sufficient distances between properties must be maintained. The density and character of each part of the parish should be respected.

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part P.O1 deals with infill development requiring development to respond positively to the character of surrounding buildings and balance the benefits of more efficient and intense use of development land, whilst preserving the character and local amenities of the site's context.

Paragraph 130 of the NPPF expects developments to be visually attractive as a result of good

architecture and sympathetic to local character and history.

The site has a rectangular shape approximately 31m wide and 100m deep stretching from Barnham Road towards the north-east, up to the boundary with The Cedars. To the south-east there are terraced dwellings in Market Close and dwellings in the small cul de sac to the north-east. The dwellings would be set well back from Barnham Road (approximately 33m) and built in a linear pattern fronting the new access road running alongside of the north-western boundary.

There are two types of dwellings proposed. Dwellings at plots 1, 4 and 5 are identical two storey 4 bed dwellings with double garage (detached at plot 1 and 5 and attached at plot 4). They are characterised by a hipped roof, a two storey front projection and a bay window to the rear. The ground floor would comprise of hall, sitting, dining/family room, kitchen, utility room, bathroom, and study. All bedrooms would be at first floor level.

Dwellings at plots 2 and 3 would be 3 bed with an attached single garage with a crown hipped roof. They are mirror image of each other, being two storey with hipped roofs and two storey gabled front projection with bay window and plain tile hanging at the first floor. The ground floor would comprise of hall, sitting room, dining/family room, kitchen, utility room, bathroom, and study. All bedrooms would be at first floor level.

There would be a separation distance of 2m between dwellings 1 and 2, 1m between 2 and 3, the distance between attached side garages (7m at first floor level). A wider gap of more than 8m is proposed between dwellings 3 and 4 and 2m between dwellings 4 and 5.

Materials would be similar to those of neighbouring residential properties: stock brickwork/contrasting brick details for the walls (dwellings 1,4 and 5) stock brickwork and plain tile hanging (dwelling 2). Dwellings 1 and 4 would have slate roof and dwelling 2,3 and 5 plain tiles. Windows and doors would be white composite. The houses would be well screened by mature trees along the boundary (the majority third party land trees). Only dwelling 1 would be visible from Barnham Road in context with the nearby listed building. The applicant was asked to provide a street-scene viewed from Barnham Road instead of from the access road as submitted. However, this has not been provided.

The Leisure and Landscape Officer requests the provision of landscaping towards screening and softening of the proposal including details regarding existing trees and boundary planting. This will be secured via condition.

Whilst clearly of contemporary design and detailing, the development would still respect the character of local development and would be in harmony with surrounding area. It would comply with those aspects of Policies D SP1 and D DM1 of the Arun Local Plan, policies ES5 of the B&ENP, relevant paragraphs of NPPF, the Arun Design Guide (SPD) and B&E Design Guide.

RESIDENTIAL AMENITIES

Arun Local Plan policy D DM1 indicates permission will only be granted for schemes displaying high quality design and layout and which takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The Council requires in policy QE SP1 all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The development would have similar characteristics to other properties in the locality. The proposal would result in dwellings of a similar size as the existing with sufficient separation distances from

neighbouring properties. There would be a separation distance of a minimum of 14m between the rear elevations of the proposed dwellings and side elevations of existing terraces to the south-east of the site, consistent with the 14m required by the ADC Design Guide.

The listed property known as The Cedars would have a separation distance of 2.8m at ground floor level and 4.7m at first floor level from the side elevation of dwelling at plot 5 with a small window of first floor bedroom on flank wall facing this property. It is unlikely that this relationship would result in an adverse impact on residents of The Cedars by overlooking due to the position of both dwellings, not directly facing each other.

The separation distance from the front elevation of the proposed dwellings to the nearest dwelling to the north-west would be approximately 20m. The development would not result in an adverse impact on living conditions of occupiers of neighbouring dwellings by reason of overbearing, overlooking, or overshadowing.

The development would accord with policies D DM1, QE SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

INTERNAL and EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards.

The application proposes 2-storey, 3 bed, 6-person dwellings and 2-storey, 4 bed 8-persons dwellings. The minimum Gross Internal Area (GIA) for which, according to the standards, would be 102sqm and 124sqm respectively whilst floor plans indicate a GIA of 165sqm and 177sqm which would considerably exceed the national internal space standards and comply with policy D DM2 of the ALP.

The dwellings benefit from 10.5m deep rear gardens of a regular shape as such it would comply with the ADC Design Guide SPD.

HERITAGE CONSIDERATIONS:

Policy HER SP1 of the Arun Local Plan stresses designated heritage assets including Listed Buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance and policy HER DM1 remarks that proposal affecting statutory Listed Buildings will be required to protect and where possible enhance the setting of the building. Policy HER DM4 states that planning permission within Areas of Character will be granted subject to new development preserving and where possible, enhancing the special character of these areas.

Policy ES7 of the BENDP states development affecting Non-designated Heritage Assets should be designed so as to preserve and enhance them, so as to reinforce the quality, character and distinctiveness of the villages.

Paragraph 199 (NPPF 2021) states when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and paragraph 201 prompts where a development will lead to substantial harm to the heritage asset, it should be refused.

Section 661) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) affirms that in the exercise of any function, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance

of that area by Local Planning Authorities.

The site is in the vicinity of a Grade II listed building and within the setting of an Area of Special Character - a non-designated heritage asset for the purposes of the NPPF. The new dwellings would be of a fairly standard design and they would be set well to the back, they will unlikely affect Designated and Non-designated Heritage Assets within surrounding area.

The Principal Conservation Officer is of the opinion that the development will have a neutral impact on heritage assets, subject to the use of high quality, traditional materials as opposed to standard, modern ones. It is suggested that smaller design features such as recessing windows to create a shadow line and carefully considered eaves details will enhance the more standard appearance. The application is considered to not cause harm to the significance of the heritage assets or their setting.

The dwellings by reason of their position and design accords with policies HER DM1 and HER DM4 of the ALP, policy ES7 of the BENDP, relevant paragraphs of the NPPF and Section 661) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

SITE ACCESS, PARKING AND HIGHWAYS IMPACT

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards.

Policy GA4 of the BENDP will support only development proposals only if they include the maximum level of off-street parking consistent with the most current standards.

The site is on Barnham Road, a B-classified road subject to a speed restriction of 30 mph. The applicant proposes to utilise the existing access, and shows 16 car parking spaces, comprising of garages, parking bays and driveways. According to the ADC Parking Standards, 15 car parking spaces would be required for the development and Principle 6, 2.19(a) states: 'If garages are provided, they must be at least 6m x 3m internally and if they meet this requirement, they will be regarded as an allocated parking space of 0.5." There are parking bays, driveways, and spaces in front of the garages which can be used for parking as well.

No details of cycle parking provision has been provided, however as the Local Highway Authority (LHA) pointed out, the garages are of suitable size to be considered for the secure parking of cycles, in accordance with WSCC Parking Standards.

Subject to conditions, the proposals would provide a safe and suitable access, and adequate parking and EVCP provision, and would not give rise to unacceptable highways safety or operation impacts. The proposals would therefore accord with the NPPF, ALP policies T SP1 and T DM1, policy GA4 of the BENDP and the ADC Parking SPD (2020).

PROTECTION OF TREES

Policy ENV DM3 of the Local Plan in section 17.3.1 underlines the importance of trees as producers of oxygen and in urban settings groups of trees can contribute significantly to the successful integration of new dwellings into the landscape. The retention of mature trees can contribute to amenity and more attractive developments as well as retaining important wildlife habitats and should be considered at the design stage of all developments.

Paragraph 131 (NPPF) highlights the important contribution trees make to the character and quality of

urban environments, and can help mitigate and adapt to climate change. Planning policies and decisions should ensure that appropriate measures are in place to secure the long term maintenance of newly planted trees, and that existing trees are retained wherever possible.

The site is heavily treed to the eastern boundary forward of the existing building and is covered by a group tree preservation order ref TPO/BN/1/98. Consideration of existing trees and hedges within the site would be required and existing trees and vegetation within the site and to the perimeter of these proposals would need to be protected and retained.

The Tree Officer has been consulted and is of an opinion that the proposed development is achievable without undue detriment to retained on-site trees, provided there is adequate site supervision at key stages by the project arboriculturist. He points out that the absence of an approved surface water drainage and foul water strategy for the site could impact heavily on retained trees/landscape plans therefore this fundamental element of the design ought to be addressed to satisfaction in association with layout proposals.

Approval is recommended, subject to suitably worded conditions addressing the above and, on that basis, the development would comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, policy ES10 of the Barnham and Eastergate Neighbourhood Plan and NPPF's paragraph 131.

WATER SUPPLY AND QUALITY

The site is in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment.

Policy ES1 of the BENDP highlights that planning permission will only be supported for new development subject to a drainage condition(s) in the Lidsey Wastewater Treatment Works Catchment Area.

Arun District Council's Drainage Engineers have not objected subject to certain pre-commencement conditions which will be imposed.

The development would comply with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policy ES1 of the B&ENP and paragraph 167 of the NPPF.

BIODIVERSITY

ALP policy ENV DM5 asks development schemes to achieve a net gain in biodiversity and protect habitats on site.

The site is generally laid to lawn with existing trees and vegetation. An Extended Phase 1 Ecological & Bat Roost Assessment has been submitted and there are mitigation recommendations and biodiversity enhancements proposed. Comments from ecology are awaited.

In line with Policy ENV DM5 of the Arun District Local Plan information on Biodiversity Net Gain will need to be provided. Further information would be required demonstrating what will be included within the scheme and what level of net gain will be created.

A condition will be imposed to ensure this takes place. The proposal complies with Policy ENV DM5 of the Arun District Local Plan and relevant paragraphs of the NPPF.

CLIMATE CHANGE:

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems.

As there are no decentralised, renewable and low carbon energy supply systems proposed, a condition would be necessary to secure compliance with the policy. A condition is proposed to ensure an electric car charge point is provided at the property.

SUMMARY

This proposal represents an appropriate redevelopment without compromising the visual amenity of the area amenities of neighbouring residential occupiers. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to conditions and informatives.

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 some impact on provision for elderly people/people with disabilities due to the loss of the care home. However, it is considered that this is outweighed by the public benefit of 5 new dwellings meeting current Building Regulations requirements in relation to access that would also contribute to the housing stock in the District, at a time when there is a significant shortfall in housing land supply.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required

(dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Dwg 2123-01A Location Plan;
 Dwg 2123-02B, Block Plan;
 Dwg 2123-03B, Context Plan;
 Dwg 2123-12B, Site Layout;
 Dwg 2123-13A, Floor Plans, Plot 3;
 Dwg 2123-14A, Floor Plans, Plot 1,4&5;
 Dwg 2123-18, Elevations Plot 1;
 Dwg 2123-19, Elevations Plot 2;
 Dwg 2123-20, Elevations Plot 3;
 Dwg 2123-21, Elevations Plot 4;
 Dwg 2123-22, Elevations Plot 5;
 Dwg 2123-23, Street Scene.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 5 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and

are an overriding factor in terms of requirements. 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.

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

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

- 7 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, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing and ground protection has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection Plan, dwg no. TH/A3/3023/PP.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 8 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment, Method Statement & Tree Protection Plan, ref. TH 3023, 8 March 2022.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of the Arun Local Plan.

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

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

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

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

- 12 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

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

- 13 The dwellings shall not be occupied unless and until a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply

systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

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

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

- 15 Prior to the occupation of the dwellings, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Ecological & Bat Roost Assessment (Ominia, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 17 Prior to any works above slab level, Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;

- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 18 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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

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 groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are at <https://www.arun.gov.uk/drainageplanning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application."

- 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 0345 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: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.