

Recommendation Report for Planning Permission

REF NO: BN/42/18/PL

LOCATION: Land At Angels Nursery
Yapton Road
Barnham
PO22 0AY

PROPOSAL: Variation of condition 2 imposed under BN/43/16/PL relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a Section 73 application for minor changes to the elevations of all 95 dwellings that have already been granted planning permission (BN/43/16/PL), on land at Angels Nursery, on Yapton Road in Barnham.

The application seeks to vary Condition 2 which was imposed on the planning permission (BN/43/16/PL). Condition 2 lists all of the submitted plans that have been approved under BN/43/16/PL including the elevations and floor plans of all 95 dwellings.

The applicant is proposing changes to windows (and the removal of windows) and external doors on the elevations of the houses and apartments and to increase the ridge heights of the roofs from between 49mm and 375mm at the most; together with amendments to the roof heights of the double garage roofs; and removing a chimney from one of the plots.

SITE AREA

3.5 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 29 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

Boundary trees/hedges around the perimeter of the site, including a number of Tree Preservation Orders (TPOs), particularly along the Yapton Road frontage.

BOUNDARY TREATMENT

Trees and hedgerows grow along the southern and western boundaries of the site. The site has white painted fencing along the Yapton road frontage following the re-laying of the sewer across the site frontage in February / March 2016. The eastern boundary of the site is open with the former Lillies site, and there are no field boundaries.

SITE CHARACTERISTICS

The site is flat and has been in former horticultural use. The site has various groups of trees within the site and the group to the front of the site have a Tree Preservation Order (TPO).

CHARACTER OF LOCALITY

The site is in close proximity to the village centre and has

good pedestrian access to the railway station.

To the west of the site there is the recently built community hall and neighbouring residential development that fronts the access to the hall. There are playing fields to the south of the community hall. Opposite the site, at the former tree nursery, there is a new development of 44 dwellings that is about to commence on site, site clearance took place in December 2015.

To the east, immediately adjacent, is the former Lillies Caravan Park which is also to be developed for housing with 38 dwellings. The outline planning application was granted subject to the conclusion of a S106 agreement, but two reserved matters applications have been refused and are currently the subject of separate appeals.

Land to the south of the site remains in horticultural use with extensive glasshouses on site.

This area of Yapton Road is very much an extension to the existing built-up area and the character is clearly more rural to the east where there is residential ribbon development along the southern side of Yapton Road. Further east there is Barnham Windmill and associated small craft shops.

The residential use of the site has been established.

RELEVANT SITE HISTORY

BN/43/16/PL	95 No. dwellings together with access, landscaping open space & associated works.	App Cond with S106 03-05-17
BN/27/09/	Outline application for demolition of all existing structures and redevelopment with up to 95 dwellings (including up to 38 affordable homes) together with associated open space, landscaping and access improvements (This is a Departure from the Development Plan)	Refused 09-04-10 Appeal: Allowed 06-01-11
BN/29/13/	Application for approval of reserved matters following Outline approval BN/27/09 for demolition of all existing structures and redevelopment with 86 dwellings together with associated open space, landscaping and access improvements.	ApproveConditionally 14-03-14
BN/51/15/PL	Variation of condition No.1 imposed under planning	Refused

reference BN/29/13/ relating to approved plans

18-02-16

BN/58/15/PL

Erection of 9 No. dwellings.

Refused
22-02-16

BN/28/18/NMA

Application for a non-material amendment following a grant of planning permission BN/43/16/PL relating to minor changes to the siting of some plots primarily those on the frontage to Yapton Road.

Approve
26-07-18

Planning permission (BN/43/16/PL) has been granted for the development of 95 dwellings on the land formerly occupied by Angel's Nursery, on Yapton Lane in Barnham. However, development has not commenced on the site and none of the conditions imposed on the planning permission have been discharged.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council's response is noted.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Ecology Advisor

Environmental Health

Parks and Landscapes

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

THE LOCAL HIGHWAY AUTHORITY:

No objection.

SOUTHERN WATER:

Southern Water would not recommend variation of condition 2. The amended plans / site layout should

take into account the restrictions associated with the public foul rising main located within the site and the stand-off distance required for any structures.

ADC ECOLOGICAL ADVISOR:

No objection.

ADC GREENSPACE:

No objection.

ADC ARBORICULTURAL OFFICER:

No objection.

Having considered the application and supporting documentation, it is understood that the proposed amendments relate only to approved built structures and are minor aesthetic and regulatory compliant in nature. There is no alteration to building footprint or Root Protection Area incursion proposed. As such, there should not be any impact on retained trees.

ADC ENVIRONMENTAL HEALTH:

No objection but requests that two informatives regarding statutory nuisance are inserted in the Decision Notice.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area Boundary

DEVELOPMENT PLAN POLICES

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Barnham & Eastergate Neighbourhood Plan 2014](#)
[POLICY ES1](#)

Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton; Ford.

Relevant Barnham and Eastergate Neighbourhood Plan (B&ENP) policies have been taken account of and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

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

surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of residential development was established with the granting of planning permission (BN/29/13) for 86 dwellings in 2014. In early 2016, the applicant sought to increase the number of units to 95 but the two re-plan applications were refused due to the layout, design, and lack of public open space. The approved application (BN/29/13) was implemented in March 2016 but on commencement the applicant discovered that the Southern Water infrastructure, sewer pipe, that crossed the southern part of the site was 20 metres out of line from the Southern Water plan. This resulted in the developer stopping works and seeking to re-plan the site to take account of the pipeline. The amended site layout was granted planning permission (BN/43/16/PL) in 2017 for the development of 95 dwellings on the site.

The applicant is now proposing to make minor changes to the external appearance of all 95 dwellings that have been granted planning permission (BN/43/16/PL) on the Angel's Nursery site. As such, the applicant is proposing to vary Condition 2 which was imposed on the planning permission, which lists all of the submitted plans that have been approved including the elevations and floor plans of the dwellings. Plans for all 95 dwellings have been approved but construction has not commenced on the site.

The proposed changes to the approved plans include amendments to the windows and external single and double doors and patio doors on the elevations of the houses and apartments, including moving windows and removing windows; to increase the ridge heights of the roofs; together with amendments to the roof heights of the double garages.

The approved plans include dwellings with chimneys, and the proposals include the removal of a chimney from one of the dwellings on the former Angel's Nursery site.

The site layout will not be affected by this application (BN/42/18/PL) which is only proposing changes to the external appearance of the 95 dwellings. As the amended plans do not affect the site layout, the concerns raised by Southern Water are not relevant to the current application.

NON MATERIAL AMENDMENT

A number of alterations to the site layout were accepted in 2018 as a Non Material Amendment (BN/28/18/NMA) including the re-location of a small area of public open space (measuring 222.9 square metres), which was previously located behind Plot 42 to be located along the site frontage in front of Plots 45 and 46, enhancing the landscaping along the frontage to Yapton Road; the minor re-positioning of Plots 45-50 fronting onto Yapton Road due to the position of a newly installed upgraded sewer and necessary easement; and the consequent adjustment in the positioning of the plots along the eastern boundary (Plot 51-64 inclusive) in a southerly direction, which was considered under section 96A of the Town and Country Planning Act 1990. The alterations were taken as a Non Material Amendment (NMA) to planning permission BN/43/16/PL. Once the NMA was approved, Drawing No. P0484 078 Rev. 01 "Site Plan" and Drawing No. P0484 081 Rev. 00 "Site Plan Showing Public Open Space" formed part of the approved planning drawings and were listed in Condition 2 and superseded Drawing No. 2124-02 Rev. A "Site Plan and Drawing No. 2124-127 Rev. B "Site Plan showing Public Open Space areas".

DESIGN AND APPEARANCE OF NEW DEVELOPMENT

Policy D SP1 of the Local Plan specifies that development proposals should have been derived from a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change); and the influence these objectives have on the form of the development.

Policy D DM1(1) of the Local Plan requires the proposed development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

Policy H4 of the Barnham & Eastergate Neighbourhood Plan (NP) requires "proposals for residential development should be of high quality, and designed so that the new housing integrates into its surroundings and is well connected to the village". The supporting text refers specifically that new development should not be an add on, but is fully integrated. This will be helped by good design that reflects the character of the surrounding area (paragraph 9.3.1 of the NP).

Policy ES5 of the NP says: "All new development with the parishes should be of a high quality design". The supporting text to Policy ES5 confirms that "new development should be designed to respond to the specific character of the site and its local surroundings and to create a sense of place. This is important as the different parts of the parishes give rise to differing styles, each with their own local strengths and weaknesses" (paragraph 5.3.1 of the NP). Policy ES6 says: "New development should contribute positively to the character of the two villages, and should reflect the design qualities of their time, so that the richness of varied character continues and is extended into the future".

Policy ES8 of the NP says: "Generally, buildings should be designed:

- as a three dimensional whole, so that elements such as bay windows are designed in from the start rather than being 'bolted-on' at the end;
- with windows and doors set back from the external surface of the buildings, to introduce some depth and modelling to the facade;
- with changes in material related to the design of the building rather than a random approach. For example, changes in material may relate to a change in form such as a setback or projection". The supporting text to Policy ES8 says "it is important that development proposals include full details of new building, to show that they have been designed so as to be sensitive to their location. Buildings often lack the three-dimensional qualities of traditional buildings and often present a bland uniform style" (paragraph 5.3.4 of the NP).

The applicant is proposing to make the following amendments to the 95 dwellings that have been granted planning permission on the site:

- kitchen window sills lifted between 75mm and 300mm across the Plots;
- patio door head height to kitchen/dining lifted 150mm;
- ridge height increased by between 65mm and 293mm across the Plots;
- window omitted from stairs (including Plots 29, 70);
- window omitted from en-suite (including Plot 40);
- window to ground floor WC omitted (including Plot 11);
- ground floor rear elevation window/patio door handed to kitchen dining (incl. Plot 41, 65, 86, 71, 76);
- window to dining moved 500mm (including Plots 15, 16, 17, 18, 19, 20, 27, 28);
- kitchen and living room windows sills lifted 375mm (including Plot 52);
- hall, bedroom, dining and living room windows sills lifted 150mm (including Plot 52)
- garage doors front and rear moved 300mm (Plot 56);
- double garage roof raised by 125mm (including Plots 37 and 65);

- chimney omitted (Plot 65);

The proposed removal of the first floor windows from the stairs on Plots 29 and 70 and from the en-suite on Plot 40 would ensure there would be no risk of overlooking the adjoining gardens or any unacceptable loss of privacy.

The proposed amendments to the windows, doors and roof heights of all 95 dwellings would ensure that their design and appearance would be enhanced. The removal of a chimney from Plot 65 is also considered to be acceptable and would not adversely affect the appearance of the dwelling on this plot. The proposed changes to the appearance of the dwellings would ensure a consistent character was achieved in the residential development across the application site.

The proposed minor amendments to the elevational treatments of the dwellings on the site would ensure the attractiveness of the design of the 95 dwellings in accordance with Policy D SP1 of the Local Plan. The proposed amendments to the design features on the elevational treatments of the 95 dwellings would improve upon the character of the built development in the surrounding area, in accordance with Policy D DM1(1) of the Local Plan. The proposed minor amendments to the elevations of the 95 dwellings are considered to be of a high quality in accordance with Policy H4 and Policy ES5 of the Barnham & Eastergate NP, reflecting and mirroring the high quality appearance of the approved scheme. It is considered that the minor amendments to the 95 dwellings would contribute positively to the character of Barnham, in accordance with Policy ES6 of the NP. Both the approved and the proposed amended windows and doors on the 95 dwellings would be set back from the external surface of the buildings, introducing depth and modelling to the facades, in accordance with Policy ES8 of the NP.

The original planning permission was granted in accordance with the policies in the previous Arun District Local Plan (2003). The proposed changes to the dwellings on the site need to be considered against the policies in the new Arun Local Plan (2018). The dwellings were considered to be acceptable in accordance with Policy GEN7 of the 2003 ALP. The proposed amendments to the dwellings are considered to be acceptable when considered against new Policy D SP1 and Policy D DM1 of the Local Plan 2018.

FOUL DRAINAGE CONDITIONS

The original planning permission (BN/43/16/PL) for Land at Angels Nursery includes 2 foul drainage conditions, which are almost identical. It is considered that there is no need for 2 foul drainage conditions; and that 1 would suffice. It is therefore recommended that Condition 29 be retained and Condition 31 be deleted, and that the subsequent conditions on the decision notice be re-numbered accordingly, for clarity.

SUMMARY

The proposed minor amendments to the elevations of the 95 dwellings, that already have planning permission at the Angel's Nursery site, is considered to be acceptable; and the current application to vary Condition 2 imposed on planning permission (BN/43/16/PL) is hereby approved. All of the other conditions imposed on BN/43/16/PL, except for 1 of the 2 foul drainage conditions, are to be retained and carried forward; and the policies in the reasons in the conditions are to be updated in line with the policies in the Arun Local Plan, 2018.

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

A Section 106 Agreement was prepared and signed that accompanied BN/43/16/PL and it covers the requirements of WSCC highways, Traffic Regulation Order (TRO), contributions to education, libraries and fire and rescue, maintenance and Management.

The implication of varying Condition 2 imposed on planning permission BN/43/16/PL would be to require a Deed of Variation to enable this Section 73 application (BN/42/18/PL) to be listed in the Section 106 Agreement, as a new planning permission is being issued. The Deed of Variation documents are being prepared by WSCC and will be submitted next week.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun within 3 years from the date of the original planning permission (BN/43/16/PL).

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:

Drawing No. 2124/00 - Location Plan
 Drawing No. 078 Rev. 1 - Site Plan
 Drawing No. 081 Rev. 00 - Site Plan Showing Public Open Space
 Drawing No. 03 - Houses 1 to 3 - North & South Elevations
 Drawing No. 04 - Houses 1 to 3 - Ground & First Floor Plans
 Drawing No. 05 - Houses 1 to 3 - West & East Elevations
 Drawing No. 06 - Houses 4 to 7 - South East Elevations
 Drawing No. 07 - Houses 4 to 7 - North West Elevation

Drawing No. 08 - Houses 4 to 7 - Ground & First Floor Plans
Drawing No. 09 - Houses 4 to 7 - South West & North East Elevations
Drawing No. 10 - Houses 8 to 11 - South West Elevation
Drawing No. 11 - Houses 8 to 11 - North East Elevation
Drawing No. 12 - Houses 8 to 11 - Ground & First Floor Plans
Drawing No. 13 - Houses 8 to 11 - South East & North West Elevations
Drawing No. 14 - Houses 12 to 14 - Elevations
Drawing No. 15 - Houses 12 to 14 - Ground & First Floor Plans
Drawing No. 16 - Houses 15 to 20 - South East & North West Elevations
Drawing No. 17 - Houses 15 to 20 - South East Elevation - Part 1
Drawing No. 18 - Houses 15 to 20 - South East Elevation - Part 2
Drawing No. 19 - Houses 15 to 20 - North West Elevation - Part 1
Drawing No. 20 - Houses 15 to 20 - North West Elevation - Part 2
Drawing No. 21 - Houses 15 to 20 - Ground and First Floor Plans - Part 1
Drawing No. 22 - Houses 15 to 20 - Ground and First Floor Plans - Part 2
Drawing No. 23 - Houses 15 to 20 - Side Elevations - Part 1
Drawing No. 24 - Houses 15 to 20 - Side Elevations - Part 2
Drawing No. 25 - Houses 21 to 26 - North & South Elevations
Drawing No. 26 - Houses 21 to 23 - North & South Elevations
Drawing No. 27 - Houses 21 to 23 - Ground & First Floor Plans
Drawing No. 28 - Houses 24 to 26 - North & South Elevations
Drawing No. 29 - Houses 24 to 26 - Ground & First Floor Plans
Drawing No. 30 - Houses 21 to 26 - East & West Elevations
Drawing No. 31 Rev. 01 - Houses 27 to 28 - Elevations
Drawing No. 32 - Houses 27 & 28 - Ground & First Floor Plans
Drawing No. 33 - House 29 - Elevations
Drawing No. 34 - House 29 - Ground & First Floor Plans
Drawing No. 35 - Houses 30 to 32 - West Elevation
Drawing No. 36 - Houses 30 to 32 - East Elevation
Drawing No. 37 - Houses 30 to 32 - Ground & First Floor Plans
Drawing No. 38 - Houses 30 to 32 - Side Elevations
Drawing No. 39 - Houses 33 to 40 - North & South Elevations
Drawing 40 Rev. 01 - Houses 33 to 40 - North Elevation - Part 1
Drawing No. 41 Rev. 01 - Houses 33 to 40 - North Elevation - Part 2
Drawing No. 42 Rev. 01 - Houses 33 to 40 - South Elevation - Part 1
Drawing No. 43 Rev. 01 - Houses 33 to 40 - South Elevation - Part 2
Drawing No. 44 - Houses 33 to 40 - Ground Floor Plans - Part 1
Drawing No. 45 - Houses 33 to 40 - Ground Floor Plans - Part 2
Drawing No. 46 - Houses 33 to 40 - First Floor Plans - Part 1
Drawing No. 47 - Houses 33 to 40 - First Floor Plans - Part 2
Drawing No. 48 - Houses 33 to 40 - Second Floor and Roof Plans
Drawing No. 49 - Houses 33 to 40 - Side Elevations - Part 1
Drawing No. 50 - Houses 33 to 40 - Side Elevations - Part 2
Drawing No. 51 - House 41 - Elevations
Drawing No. 52 - House 41 - Ground & First Floor Plans
Drawing No. 53 Rev. 01 - Houses 42 to 44 - Elevations
Drawing No. 54 Rev. 01 - Houses 42 to 44 - Ground & First Floor Plans
Drawing No. 55 - Houses 45 & 46 - Elevations
Drawing No. 56 - Houses 45 & 46 - Ground & First Floor Plans
Drawing No. 57 Rev. 04 - Houses 47 to 52 - Elevations
Drawing No. 58 Rev. 01 - Houses 47 to 52 - Ground Floor Plans
Drawing No. 59 Rev. 01 - Houses 47 to 52 - First Floor Plans

Drawing No. 60 Rev. 01 - Houses 53 to 55 - Elevations
Drawing No. 61 - Houses 53 to 55 - Ground & First Floor Plans
Drawing No. 62 - Houses 56 to 63 - West & East Elevations
Drawing No. 63 - Houses 56 to 63 - West Elevation - Part 1
Drawing No. 64 - Houses 56 to 63 - West Elevation - Part 2
Drawing No. 65 - Houses 56 to 63 - East Elevation - Part 1
Drawing No. 66 - Houses 56 to 63 - East Elevation - Part 2
Drawing No. 67a - Houses 56 to 59 - Ground Floor Plans
Drawing No. 67b - Houses 56 to 59 - First Floor Plans
Drawing No. 68a - Houses 60 to 63 - Ground Floor Plans
Drawing No. 68b - Houses 60 to 63 - First Floor Plans
Drawing No. 69 - Houses 56 to 63 - North & South Elevations
Drawing No. 70 Rev. 01 - House 64 - Elevations
Drawing No. 71 - House 64 - Ground & First Floor Plans
Drawing No. 72 Rev. 01 - Houses 65 to 72 - North Elevation
Drawing No. 73 Rev. 01 - Houses 65 to 72 - South Elevation
Drawing No. 74 Rev. 01 - Houses 65 to 72 - North Elevation - Part 1
Drawing No. 75 Rev. 01 - Houses 65 to 72 - North Elevation - Part 2
Drawing No. 76 Rev. 01 - Houses 65 to 72 - North Elevation - Part 3
Drawing No. 77 Rev. 01 - Houses 65 to 72 - South Elevation - Part 1
Drawing No. 78 - Houses 65 to 72 - South Elevation - Part 2
Drawing No. 79 - Houses 65 to 72 - South Elevation - Part 3
Drawing No. 80a - Houses 65 to 67 - Ground Floor Plans
Drawing No. 80b - Houses 65 to 67 - First Floor Plans
Drawing No. 81a - Houses 68 to 70 - Ground Floor Plans
Drawing No. 81b - Houses 68 to 70 - First Floor Plans
Drawing No. 82 - Houses 71 & 72 - Ground & First Floor Plans
Drawing No. 83 Rev. 01 - Houses 65 to 72 - Side Elevations - Part 1
Drawing No. 84 Rev. 01 - Houses 65 to 72 - Side Elevations - Part 2
Drawing No. 85 - House 73 - Elevations
Drawing No. 86 - House 73 - Ground & First Floor Plans
Drawing No. 87 - Houses 74 & 75 - Elevations
Drawing No. 88 - Houses 74 & 75 - Ground & First Floor Plans
Drawing No. 89 Rev. 01 - Houses 76 to 78 - West Elevations
Drawing No. 90 Rev. 01 - Houses 76 to 78 - East Elevations
Drawing No. 91 - Houses 76 to 78 - Ground & First Floor Plans
Drawing No. 92 - Houses 76 to 78 - North & South Elevations
Drawing No. 93 - Houses 79 to 82 - East & West Elevations
Drawing No. 94 - Houses 79 to 82 - Ground & First Floor Plans
Drawing No. 95 - Houses 79 to 82 - North & South Elevations
Drawing No. 96 Rev. 01 - Houses 83 to 89 - South Elevation
Drawing No. 97 Rev. 01 - Houses 83 to 89 - North Elevation
Drawing No. 98 Rev. 01 - House 83 - Elevations
Drawing No. 99 - House 83 - Ground & First Floor Plans
Drawing No. 100 - Houses 84 & 85 - Elevations
Drawing No. 101 - Houses 84 & 85 - Ground & First Floor Plans
Drawing No. 102 Rev. 01 - House 86 - Elevations
Drawing No. 103 - House 86 - Ground & First Floor Plans
Drawing No. 104 - Houses 87 & 88 - Elevations
Drawing No. 105 - Houses 87 & 88 - Ground & First Floor Plans
Drawing No. 106 Rev. 01 - House 89 - Elevations
Drawing No. 107 - House 89 - Ground & First Floor Plans

Drawing No. 108 Rev. 01 - Houses 90 to 93 - South & North Elevations
Drawing No. 109 Rev. 01 - House 90 - Elevations
Drawing No. 110 - House 90 - Ground & First Floor Plans
Drawing No. 111 Rev. 01 - House 91 - Elevations
Drawing No. 112 - House 91 - Ground & First Floor Plans
Drawing No. 113 Rev. 01 - House 92 - Elevations
Drawing No. 114 - House 92 - Ground & First Floor Plans
Drawing No. 115 Rev. 01 - House 93 - Elevations
Drawing No. 116 - House 93 - Ground & First Floor Plans
Drawing No. 117 - House 94 - Elevations
Drawing No. 118 - House 94 - Ground & First Floor Plans
Drawing No. 119 - House 95 - Elevations
Drawing No. 120 - House 95 - Ground & First Floor Plans
Drawing No. 121 - Houses 73 & 29 Garages - Plans & Elevations
Drawing No. 122 - Houses 34 & 35 Garages - Plans & Elevations
Drawing No. 123 - Houses 36 & 41 Garages - Plans & Elevations
Drawing No. 124 - Houses 38 to 40 Garages - Plans & Elevations
Drawing No. 125 Rev. 01 - Bin & Bicycle Stores for Flats - Plans & Elevations

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

- 3 Development shall not commence 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, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because a proper surface water drainage strategy is vital and goes to the heart of the planning permission.

- 4 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan.

- 5 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan.

- 6 Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan.

- 7 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan.

- 8 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

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

this unsuspected contamination shall be dealt with.

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

- 10 Prior to development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Policy D DM1 and Policy QE DM4 of the Arun Local Plan.

- 11 The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with Policy D DM1 of the Arun Local Plan.

- 12 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.

- 13 No trees/or bushes/growing/and to be retained/on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 14 No trenches, cable or pipe runs for services and drains shall be cut or laid within the Root Protection Area as calculated in accordance to Table 2 of BS5837 (2012) or, if this information

is absent, within a distance of 15m from the bole of any existing tree to be retained on this or adjoining sites.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with Policy D DM1 of the Arun Local Plan.

- 15 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan.

- 16 No tree planting within 3.0 metres either side of the public sewers and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5m of foul rising main or foul sewer.

Reason: In order to safeguard the public sewer and associated infrastructure in accordance with Policy D DM1 and Policy W DM1 of the Arun Local Plan.

- 17 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with Policy D DM1 of the Arun Local Plan.

- 18 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 proposed building(s)/extension 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/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 19 The development, hereby permitted, shall not be commenced until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and be approved by the LPA after consultation with the County Highway Authority.

Reason: To ensure fit-for-purpose access constructed to appropriate design and safety standards in accordance with Policy D DM1 of the Arun Local Plan.

- 20 The development, hereby permitted, shall not be occupied until the internal roads and associated infrastructure has been constructed in accordance with plans and details to be submitted to and approved by the LPA after consultation with the CHA. This shall include (but not necessarily be limited to) visibility splays, pedestrian and cycle access considerations, service margins and recommendations of any associated Road Safety Audits.

Reason: To ensure fit-for-purpose roads constructed to appropriate design and safety standards in accordance with Policy T SP1 of the Arun Local Plan.

- 21 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 accordance with Policy T SP1 of the Arun Local Plan.

- 22 No part of the development shall be first occupied until the cycle parking has been constructed in accordance with plans to be submitted to and approved by the LPA after consultation with the CHA.

Reason: To provide car-parking space for the use accordance with Policy T SP1 and Policy T DM1 of the Arun District Local Plan.

- 23 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with Highway Authority specifications to be submitted to and approved by the LPA for consultation with the CHA.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate re-opening in the future and also in the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 24 The development, hereby approved, shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 25 The development, hereby approved, shall not be occupied until a scheme for street lighting has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason: In the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of

the Arun Local Plan.

- 26 The development, hereby approved, shall not be occupied until a scheme for landscaping has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason - In the interests of road safety in accordance with Policy D DM1 of the Arun Local Plan.

- 27 The development, hereby approved, shall not be occupied until a Travel Plan has been provided in accordance with recognised WSCC guidelines and good practice - details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason - To encourage sustainable access to and from the development and to reduce the need to travel by private car accordance with Policy T SP1 of the Arun Local Plan.

- 28 Prior to development commencing, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with the Highway Authority. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities and details of their operation and location;
- details of street sweeping;
- construction working times including delivery times;
- details of a means of suppressing dust arising from the development;
- details of all proposed external lighting to be used during construction;
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
- evidence of consultation with neighbours prior to works commencing.
- details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage
- a Section 59 Agreement (required only if construction traffic exceeds 20 HGV vehicles per day over a six-month period).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason: - To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with Policy D DM1 of the Arun Local Plan.

- 29 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Including details of its routing, design, and subsequent management / maintenance.

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1 and Policy W DM1 of the Arun Local Plan.

- 30 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To protect the amenities of nearby residents in accordance with Policy D DM1 and Policy WM DM1 of the Arun Local Plan.

- 31 Prior to the commencement of construction works on each phase of the development of any preparatory works a detailed ecological enhancement scheme (which shall include the installation of 4 bat boxes and 15 bird boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 32 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive

7.00 and 13.00 on Saturday

Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Policy D DM1 of the Arun Local Plan.

- 33 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds in accordance with Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan.

- 34 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the

aims of the NPPF, in accordance with Policy D DM1 and Policy ECC SP2 of the Arun Local Plan.

- 35 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 (including porches or dormer windows) to the dwelling houses 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 and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun District Local Plan.

- 36 INFORMATIVE: Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

- 37 INFORMATIVE: The developer is asked to sign up to the Developer and Partner Charter as well as produce a skills and employment plan relating to the site. Details can be provided by Arun District Council Economic Development.

- 38 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 39 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.

- 40 INFORMATIVE: Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off/approved by a suitable Chartered civil engineer to the satisfaction of the LPA.

- 41 INFORMATIVE: The applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980 as referred to in condition 10 above if HGV construction vehicles exceed 20 per day. The Agreement is required to provide a means of making good the public highway following the cessation of construction traffic and building work on the site.

- 42 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

- 43 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on 01903 737500

- 44 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

- 45 **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.