

Recommendation Report for Planning Permission

REF NO: BN/48/18/PL

LOCATION: Land north of
Sunnyside Cottages
Yapton Road
Barnham

PROPOSAL: Removal of existing building and erection of two new dwellings. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The two new dwellings are to have different floor areas but the same height (3.45m to the ridge, 2.5m to the eaves) & design. One will have two double bedrooms and the second, five double bedrooms. The buildings both measure 9.7m wide but one is 10.4m long and the other 21.5m). The two buildings have a total footprint of 309.4m ² .
	Materials are to consist of timber cladding and seamed zinc. The submitted plans show two parking spaces for the smaller dwelling and three for the larger. Private garden areas are also shown although there is no details as regards boundaries (other than an indication of hedging) or the design of any bin stores.
SITE AREA	1650 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	12 dwellings per hectare.
TOPOGRAPHY	Predominantly flat. The land to the east banks up slightly.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to all boundaries except to the east where there is the remains of a post & wire fence atop a small bank with a ditch beyond. The boundary to Sunnyside Cottages to the south is a 4m high hedge although the western end house (Sunnyside) has an open boundary.
SITE CHARACTERISTICS	Existing long rectangular greenhouse structure with a grassed area roughly half as wide as the greenhouse to the southern side. The structure has a concrete base and a steel frame. It was occupied by plants and gardening tools/equipment.
CHARACTER OF LOCALITY	Rural. Countryside location with a small number of dwellings, barns and storage land. The site is overlooked by the rear windows of Sunnyside.

RELEVANT SITE HISTORY

BN/22/18/PD	Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building to 2No. Dwellinghouses (Class C3) and associated works	No Object'n + Conds 28-09-18
BN/13/17/PL	3 No. dwellings & retention of small B8 storage area. This application is a Departure from the Development Plan.	Refused 08-06-17 Appeal: Dismissed 18-10-17
BN/22/16/CLE	Lawful development certificate for use as existing storage (B8 Storage or Distribution) & use of adjacent land as additional campsite (sui generis)	Approve 07-02-17

Planning permission was refused and an appeal dismissed for a development of three dwellings on land including this site under ref BN/13/17/PL (APP/C3810/W/17/3178447). The Inspector concluded that:

"15. On the other hand, the proposal before me would harm the character and appearance of the area arising from its poor layout, contrived design, and relationship with the surrounding area. It would encroach into the open countryside and fail to integrate satisfactorily with existing and approved development. This harm to the environment is a matter to which I attach significant weight.

16. I therefore conclude that the adverse environmental impacts of the proposal would significantly and demonstrably outweigh its limited social and economic benefits. Consequently, the scheme would not be a sustainable development."

More recently, consent was given under BN/22/18/PD for the conversion of the existing glasshouse building into two single storey dwellings. This scheme proposed a new building with a footprint of 301.6m² (measuring 31.3m by 9.7m) with a height of 3.45m to the ridge and 2.5m to the eaves. One dwelling had two double bedrooms and the second, five double bedrooms.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

No objection - "At a meeting of Barnham Parish Council on Monday 5th November the Council considered the above application. The Council previously objected to the application that was going to see the dwellings built on the existing greenhouses and whilst they now see no reason to object they would wish it to be noted that they would not wish to see any further development on the site through the demolition of other buildings on the site."

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objections subject to an informative to set out the need for a new connection to the foul sewer network.

WSCC HIGHWAYS - no objection subject to a condition to ensure that the car parking is provided prior to occupation. Comments summarised below:

- WSCC previously commented upon application BN/22/18 on this site and raised no highway safety concerns;
- Do not foresee any issues with this new proposal;
- A number of uses are already served from the access road and a material increase in vehicular movements would not be anticipated;
- It is considered unlikely that any adverse impacts will result from this proposal;
- Several dwellings are served via this access, the existing agricultural use as a nursery would have generated a certain number of vehicular movements, as do the caravan site and B8 storage uses and there is evidence that an equine use functioned here;
- 5 vehicular parking spaces have been demonstrated by the applicant and there also appears to be space for further parking within the red edge curtilage of the site;
- Overflow parking would not be anticipated to occur on the Publicly Maintained Highway;
- Weight is given to the fact that associated delivery and agricultural vehicles have used this access for the nursery use and have done so safely with no known highways safety concerns; and
- C3 residential uses are considered to be less intensive than agricultural, therefore the proposal is considered acceptable in highway terms.

COUNCILS ECOLOGIST - No objection subject to a lighting condition, a nesting birds condition and a condition to ensure that the reptile mitigation/enhancement./management measures are implemented.

ADC DRAINAGE ENGINEER - No objections subject to standard surface water drainage conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
 Flood Zone 1 (low risk);
 Class C Road;
 Special Control of Adverts;
 No Public Sewer; and

Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
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
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES2	Water courses
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
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 ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
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
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

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.

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 conflict with the relevant policies within the Arun Local Plan in that the site lies outside the built up area boundary where new residential development is not appropriate. However, the proposal does not conflict with the Barnham and Eastergate Neighbourhood Plan which does not have a built up area boundary policy and which allows residential infill & redevelopment schemes across the Parishes.

OTHER MATERIAL CONSIDERATIONS

It is considered that the presence of the Prior Approval (BN/22/18/PD) for the conversion of the glasshouses to two dwellings is an important material consideration in the determination of this planning application as it represents an approved 'fall-back' position. This is elaborated on further in the Conclusions section.

CONCLUSIONS

PRINCIPLE:

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031 (ALP), the Barnham and Eastergate Neighbourhood Development Plan and the West Sussex Waste and Minerals Plans.

The application site lies outside of the defined settlement boundary as shown within the ALP and therefore falls within countryside. Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria. The proposal does not meet any of the stated criteria and therefore would be unacceptable in principle.

It is also necessary to consider the policies of the Barnham & Eastergate Neighbourhood Development Plan (BENDP). The BENDP was made (adopted) in July 2014 on the basis of the saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The BENDP does not set a built up area boundary and policy H2 allows for the development of small residential developments on infill and redevelopment sites within the parishes. The policy does not state that these must be within the built up area boundary.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the conflict between policy H2 of the BENDP and policy C SP1 of the ALP would be resolved in favour of the ALP.

THE FALL-BACK POSITION:

It is clear therefore, that the proposal would be in conflict with the development plan in respect of new residential development within the countryside. However, it is considered that the permitted fall-back position in respect of the approval given under BR/22/18 is an important material consideration which allows for a decision to be made which is not in accordance with the development plan.

The consent granted under BR/22/18 allows for the conversion of the existing glasshouse building to two semi-detached dwellings. It is noted that the proposed buildings have the same design and height as the approved converted building. Furthermore the footprint of the two buildings is not considered to be materially different to the footprint of the approved converted building (309.4m² vs 301.6m²). Indeed, the only real difference between the approved and proposed schemes is the extent of garden and hardstanding.

The consent granted under BR/22/18 expires in September 2021 and therefore could be implemented even if this planning application were refused. This represents an important 'fall-back' position. The applicant has set out justification for this approach within the submitted Design and Access Statement as set out below:

(1) The 'fall-back' position draws support from the *Gambone v SSCLG* EWHC 952 (Admin) judgement which identified the two-stage approach to be adopted. The first is to decide whether or not the way in which the land may be developed is a material consideration in circumstances where there is 'a greater than theoretical possibility' that the development might take place.

(2) In a similar example of planning pragmatism, the judgement in *Ahmed v SSCLG* (2014) confirms the

principle that a decision maker (in that case an inspector) can consider an alternative scheme as a fall-back. Several points of note in respect of the Ahmed case:

- (a) There had been a planning permission for a different scheme, which was acknowledged as an acceptable scheme;
- (b) The effects of the Ahmed judgement on this application are that there is a permitted alternative residential development scheme against which, through relatively minor changes to the size, creates a more positive outcomes against general planning principles;

(3) In a more recent appeal ref: APP/L3625/W/14/3000194 at Thornfield, Axes Lane, Redhill RH1 5QL the inspector commented that:

"A fallback position has also been identified by the appellant. Extensions have been previously authorised to Thornfield House as Permitted Development under application references 14/00116/CLP and 14/00119/PDE. The appellant suggests a scenario whereby those extensions would be implemented and the extended building then be subject to a separate application to sub-divide. I further note that the Council's assessment of the application the subject of this appeal raised no objection to the principle of sub-division. I consider this to be a reasonable and likely proposition, and attach weight accordingly."

(4) Comparisons can be drawn in that the principle has been accepted under an alternative procedure to the principle of dwellings on the site which are a reasonable and likely proposition and therefore weight should be attached to the fall back. It is clear from the above and other cases that substantial weight should be given to the fall-back position.

(5) A more direct comparison can be drawn with an application at Garden Cottage Farm, Shillinglee Park Road, Chiddingfold GU8 4TA. This application involved a proposal to replace three agricultural barns with a single dwelling. The three barns had previously been granted prior approval for change of use under class Q of the GPDO to three dwellings and as such the proposal was assessed on the basis of a fall back position being established. This application was submitted to Waverley Borough Council under application WA/2015/1193 and subsequently refused. However, the application was granted permission at appeal under reference APP/R3650/W/15/3133244. The inspector stated in paragraphs 9 & 10 of the decision that:

"Notwithstanding my findings above, there is an extant planning permission for 3 dwellings on the site in the same location as the appeal proposal and this carries significant weight in my determination. If the appeal proposal succeeds and the permission is implemented, the fallback position could not be implemented and the appeal proposal would result in one dwelling in an unacceptable location as against a fallback position whereby three dwellings could be built. There is nothing before me to suggest that the fallback position would not be implemented if this appeal fails. Therefore, whilst the site is within an unacceptable location, given the existence of a realistic fallback position, I conclude that it would not be appropriate to withhold planning permission for the appeal proposal on the basis of its location"

(6) And in conclusion stated that: "In light of this fall-back position, the location of the proposal is not sufficient reason to justify dismissal of the appeal."

(7) Furthermore, Arun DC has previously taken a similar approach with respect to a site to the immediate north east of this one (application BN/61/16/PL). The officer report stated that:

"The site benefits from an existing Prior Approval (BN/33/15/PD) which allows for the conversion of a storage building to a dwelling. This permission expires in April 2018 and therefore could be implemented even if this planning application were refused. This represents an important 'fallback' position."

And that:

"The result of the 'fall-back' position is that the principle of residential development on the site has already been established and that there would be no net gain in the number of dwellings on the site between the approved and proposed schemes. It is therefore, only necessary to consider the impacts associated with the additional size of the dwelling"

SUMMARY ON MATTERS OF PRINCIPLE:

Whilst it is clear that the proposal is in conflict with the policies of the most up-to-date part of the development plan (the Arun Local Plan), it is considered that there is no increase in the number of proposed dwellings proposed compared to the approval granted by BN/22/18 and that therefore, there is a viable fall back position to consider. The result of this is the same as it was in BN/61/16/PL and therefore the principle of residential development on the site has already been established. If this application were refused then the applicant would be able to implement the BN/22/18 proposal and achieve the same result albeit with a single residential building and less curtilage land.

DESIGN & VISUAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including Character, Appearance/attractiveness, Density and Scale.

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal."

BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

The proposed dwellings will have a marginally greater footprint than the approved scheme but this is not considered to be significant. Furthermore, the height and design of the building are to be the same as the permitted scheme. The design of the building reflects that of the original glasshouse building and is therefore considered to be in character with the rural surroundings. The use of timber cladding is also appropriate.

The site is well set back from Yapton Road and will not be prominent in views from nearby public viewpoints. The dwelling will be reasonably close to the caravan site land to the north and north east but the existing hedge screening will limit views of the structure from these locations. The application suggests that new hedging will be planted to the southern boundary and this will soften the appearance of the building from views of the existing houses.

The proposed curtilage will be significantly larger than that previously allowed in connection with the Prior Approval. However, it is important in planning terms to provide the new dwellings with a decent amount of private amenity space and the additional curtilage land will also remain relatively open and therefore there will be no harm to the character of the countryside in this location. However, a condition will be imposed to remove permitted development rights for extensions to the buildings and also outbuildings.

The proposal is therefore considered to be in accordance with the above listed development plan policies.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Arun Local Plan policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The single storey nature of the dwellings together with the proposals for new hedging to the boundaries and also the distances between the new dwellings and the closest existing residential properties to the south all combine to mean that the proposal will not result in any loss of amenity to nearby residential occupiers.

The proposal is therefore in accordance with ALP policies D DM1 and QE SP1.

HIGHWAY ISSUES:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

Policy GA1 of the BENDP states that: "New developments should integrate with the current green infrastructure network and provide access to public and community transport, to connect with the social, community and retail facilities of the villages."

Furthermore, policy GA4 states that "Development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity."

NPPF para 108 states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The Highway Authority do not consider that the redevelopment of these glasshouses with two new dwellings would have a material increase or a material change on the character of traffic in the vicinity of the site. Traffic speeds using the private access road are low and there is good visibility in both ways at the junction with Yapton Road. Therefore, it would not be possible to sustain a refusal on highway grounds.

The proposal complies with the West Sussex Parking Demand Calculator in terms of meeting the anticipated demand for a total of 6 car parking spaces. Although only 5 are shown, the Highway

Authority note that there is additional hardstanding that could accommodate extra cars.

The proposal therefore complies with the above development plan policies.

INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The requirement for the two bedroom house is 70m² whilst that for the five bedroom house is 121m². However, the proposed floor areas are 92m² and 121m² respectively and therefore both exceed the expected standards.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes.

However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users. In addition, policy H5 of the BENDP states that "Proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area."

Both of the proposed houses will have private rear gardens which are considered to have a useable area and it is therefore considered that the scheme provides a good standard of amenity for future occupiers.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity within the NPPF.

SUMMARY:

Although this proposal seeks permission for two new dwellings in the countryside and is in principle inappropriate, regard should be had to the permitted fall back position in terms of the prior approval for conversion of the glasshouse building into two new dwellings as granted under BN/22/18/PD. For this reason, the principle of the development is considered to be acceptable. The above report concludes that there is no harm to the character of the area from the slightly increased size of the dwelling and the larger area of private curtilage. Furthermore, all other issues are either dealt with in the above conclusions or through the assessment of the application by consultees. It is therefore recommended that permission is granted subject to the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of

the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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:

Drawing 000 "Location Plan";
Drawing 002 Rev 1 "Proposed Block Plan";
Drawing 203 "Proposed Floor Plans"; and
Drawing 202 "Proposed Elevations".

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

- 3 The development must be carried out in accordance with the mitigation/management measures and enhancements as set out within the Reptile Mitigation Statement (23 Jan 2019, Ref P3021). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.

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

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

shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 5 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 6 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.

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

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

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

- 9 Before the buildings hereby permitted are occupied, dustbin enclosures shall be provided as

part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The approved bin storage spaces shall thereafter be permanently retained in good working order.

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

- 10 Prior to 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 point/s shall thereafter be permanently retained and maintained in good working condition.

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

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

- 12 Neither of the two new dwellings shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the dwellings will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 13 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

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

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 15 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 policies D DM1 and D SP1 of the Arun Local Plan.

- 16 The ground floor bathroom window on the southern elevation of the larger dwelling shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the new residential occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 17 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 18 INFORMATIVE: Surface water drainage should be designed and constructed to comply with building regulation requirements. Infiltration should be fully investigated, if however it is found that infiltration does not work controlled discharge to ordinary watercourse will be required. The applicant should be aware that any proposals to discharge flows to a watercourse require Ordinary Watercourse Land Drainage Consent prior to works. Arun District Council requires 3m clearance between any structure and the bank of an ordinary watercourse and 3m clearance between any structure and a culverted ordinary watercourse. This is to ensure that no construction will occur that will limit the current or future landowners ability to conduct maintenance to the watercourse in line with their responsibilities under the Land Drainage Act 1991.

- 19 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the

installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

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