Recommendation Report for Planning Permission

REF NO: BN/66/23/PL

LOCATION: Land Rear Of 1 Northfields Cottages
Fontwell Avenue
Eastergate
PO20 3RX

PROPOSAL: Variation of conditions following BN/50/20/PL (which was the subject of a S106 agreement) relating to Condition Nos. 2 - approved plans and 31 - management arrangements for the public open space.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	BN/50/20/PL approved the demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This proposal seeks to vary Condition 2 (approved plans) and Condition 31 (management arrangements for the public open space). The changes are:- - Addition of 1.2m hoop top fencing around boundary of Local Area for Play (LAP) - Repositioning of play equipment further away from road
SITE AREA	1.85 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22.7 dwellings per hectare.
TOPOGRAPHY	The land gently slopes from Level Mare Lane northwest corner down to Fontwell Avenue in the southeast.
TREES	There are significant trees on boundaries but only 3 small trees in the site. The proposals protect and retain trees on the west side of the site (off-site), to the north boundary and in the southeast corner.
BOUNDARY TREATMENT	2m high hedges/significant tree planting to the boundaries. The south boundary has wire fencing and a 4m high section of non-native hedge. The site also has electric fences within it as associated with the equestrian use.
SITE CHARACTERISTICS	The site comprises agricultural land grazed by horses in association with a private stables and manege at 1 Northfield Cottages. The site has an unmade vehicle access from Level Mare Lane on the northern boundary. There is an enclosed substation on the north boundary. Part of the site at the south end includes a section of a storage shed and metal containers.
CHARACTER OF LOCALITY	Rural in character with very few neighbouring residential properties. The area is not densely populated and is largely

characterised by open agricultural land and fallow fields, some in equine use.

To the south is 1 Northfield Cottages with its own stable buildings, manege, large car park and ancillary buildings. Beyond this is 2 Northfields Cottages, a dwelling. To the west lies open fields. To the North, beyond Level Mare Lane is more open land including parts of the racecourse. To the east on the opposite side of Fontwell Avenue lies a mix of open land and dwellings.

RELEVANT SITE HISTORY

BN/50/20/PL	Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.	App Cond with S106 11-12-20
BN/55/21/NMA	Non-material amendment following grant of BN/50/20/PL to remove all un-integrated garages and standalone car ports from the scheme and replace with full parking spaces.	Approve 10-05-21

Noted.

REPRESENTATIONS

Barnham & Eastergate Parish Council: No objection.

No other third party representations received.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY: Comments from BN/50/20/PL - No objection subject to conditions.

HIGHWAYS ENGLAND: Comments from BN/50/20/PL - No objection subject to an appropriate contribution to the A27 mitigations agreed in the adopted Arun Local Plan.

NATURAL ENGLAND: Comments from BN/50/20/PL - No objection.

SOUTHERN WATER: Comments from BN/50/20/PL - No objection subject condition and informative.

SOUTH DOWNS NATIONAL PARK AUTHORITY: Comments from BN/50/20/PL - No objection.

SUSSEX POLICE: Comments from BN/50/20/PL - No objection.

WSCC DRAINAGE & FLOOD RISK: Comments from BN/50/20/PL - No objection.

WSCC MINERALS & WASTE: Comments from BN/50/20/PL - No objection.

WSCC HIGHWAYS: Comments from BN/50/20/PL - No objection subject to conditions.

PORTSMOUTH WATER: Comments from BN/50/20/PL - No objection subject to conditions.

ADC DRAINAGE ENGINEERS: Comments from BN/50/20/PL - No objection subject to conditions.

ADC HOUSING STRATEGY & ENABLING MANAGER: Comments from BN/50/20/PL - No objection subject to S106.

ADC ENVIRONMENTAL HEALTH: Comments from BN/50/20/PL - No objection subject to conditions.

ADC TREE OFFICER: Comments from BN/50/20/PL - No objection subject to conditions.

ADC LANDSCAPE OFFICER: Comments from BN/50/20/PL - No objection subject to condition.

COUNCIL ECOLOGIST: Comments from BN/50/20/PL - No objection subject to conditions

COUNCIL ARCHAEOLOGIST: Comments from BN/50/20/PL - No objection subject to conditions.

THE GARDENS TRUST: Comments from BN/50/20/PL - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside the Built Up Area Boundary (BUAB);
CIL Zone 3;
Area of Special Control of Adverts;
WSCC Mineral Consultation Area (Sharp Sand & Gravel);
Part within 500m of WSCC Waste Consultation Area (Sussex Recovery Centre, Fontwell Avenue);
Part within the Lidsey Treatment Catchment Area (eastern edge of the site);
Within 12km of Singleton & Cocking Tunnels SAC; (Water) Source Protection Zone; and
Part 1:1000 year Surface Water Flood Zone (eastern edge of the site opposite Wandleys Lane junction).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change

ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
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
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
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

Joint Minerals Local Plan 2018:	
	Joint West Sussex M9 Safeguarding Minerals
West Sussex Waste Local Plan 2014:	
	West Sussex W2 Safeguarding Waste Management Sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014	Protection of open views

POLICY ES4	
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 ES10	Trees and hedgerows
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 GA2	Footpath and cycle path network
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 H3	Housing mix
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:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country

Planning (Local Planning) (England) Regulations 2012.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

(2) In dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

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

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

The proposal is considered to comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area or to the amenities of existing or future residents and will not adversely affect the safety and convenience of the local highway.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The principle of development was approved by BN/50/20/PL - this application seeks amendments to the approved plans and the management arrangements for the public open space.

VISUAL IMPACT

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

Policy ES5 Quality of Design of the Barnham and Eastergate Neighbourhood Development Plan (B&ENP) requires residential developments to be of high-quality design and enhance landscape character, integrate with the local landscape, and built environment.

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

Part P.O1 of The Arun Design Guide Supplementary Planning Document (SPD) deals with infill development requiring development to respond positively to the character of surrounding buildings and balance the benefits of more efficient and intense use of development land, whilst preserving the character and local amenities of the site's context.

Paragraph 130 of the NPPF expects developments to be visually attractive as a result of good architecture and sympathetic to local character and history.

The original permission was acceptable in form, character, and design. The changes involve the addition of a 1.2m hoop top fence around boundary of the LAP approved as part of BN/50/20/PL, alongside the minor repositioning of play equipment in order to move it back from the road. It is understood that these changes are proposed in response to the use of the internal access road as a through road for a neighbouring development and subsequent concerns over public safety raised by the landowner. These are considered in further detail later in this report.

The changes are modest and would not have any demonstrably harmful impact on the character of the area. The proposal therefore complies with ALP policies D DM1 and D SP1, policy ES5 of the of the B&ENP, the Arun Design Guide and the relevant paragraphs of the NPPF.

HIGHWAY SAFETY

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network, contributes to highway improvements and promotes sustainable transport.

Para 108 of the NPPF requires applications for development to ensure safe and suitable access for all users. Regard should also be had to para 109, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

The proposed changes relate to the play equipment approved as part of BN/50/20/PL and include the addition of a 1.2m hoop top fence around boundary of the LAP, as well as moving play equipment back from the road. It is understood that these changes seek to prevent conflicts between users of the LAP and the site's internal access road, which is to be used as a through road for a neighbouring development.

The proposal will ensure that safe access is maintained within the development and is therefore compliant with ALP policy T SP1 and the relevant paragraphs of the NPPF.

OTHER MATTERS

Matters such as residential amenity, parking, biodiversity, trees etc. were considered under BN/50/20/PL and the proposed changes would not result in any unacceptable adverse impacts in these respects. The changes acceptable due to their nature and scale comply with the NPPF paragraph 11(c).

The original application was the subject of a s106 agreement. The terms of the Agreement make it clear that the obligations will apply to any subsequent approval under s73 and, therefore, no deed of variation is required in this instance. It will, however, be necessary to reimpose any conditions from the previous permission that are still of relevance.

HUMAN RIGHTS ACT

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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

29662A 20 Rev D "Location Plan";
29662A 100 Rev A1 "Site Block Plan";
29662A 100 3 Rev B "Housetype: 1 Bed Affordable Apartment plans and elevations plots 36, 37, 38 & 39";
29662A 100 4 Rev B "Housetype: 1 Bed Affordable Apartment plans and elevations plots 36, 37, 38 & 39";
29662A 101 1 Rev B "Housetype: 2 Bed Affordable Plans & Elevations plots 31, 32, 33, 41, 42";
29662A 101 2 Rev B "Housetype: 2 Bed Affordable Plans & Elevations plots 31, 32, 33, 41, 42";
29662A 102 1 Rev B "Housetype: 3 Bed Affordable OP1 Plans & Elevations plots 30, 34 & 40";
29662A 102 2 Rev B "Housetype: 3 Bed Affordable OP1 Plans & Elevations plots 30, 34 & 40";
29662A 103 1 Rev D "Housetype: FOG Plans and Elevations 16 & 35";
29662A 103 2 Rev D "Housetype: FOG Plans and Elevations 16 & 35";

29662A 103 4 Rev D "Housetype: FOG Plans and Elevations 12 & 23";
29662A 103 5 Rev D "Housetype: FOG Plans and Elevations 12 & 23";
29662A 104 1 Rev B "Housetype: 2 Bed Private OP2 Plans & Elevations plots 13 & 14";
29662A 104 2 Rev B "Housetype: 2 Bed Private OP2 Plans & Elevations plots 13 & 14";
29662A 105 1 Rev B "Housetype: 2 Bed Private OP3 Plans & Elevations plot 20";
29662A 105 2 Rev B "Housetype: 2 Bed Private OP3 Plans & Elevations plot 20";
29662A 106 1 Rev B "Housetype: 3 Bed Private OP1 Plans & Elevations plots 8, 9, 10, 18, 19, 24, 25, 28 & 29";
29662A 106 2 Rev B "Housetype: 3 Bed Private OP1 Plans & Elevations plots 8, 9, 10, 18, 19, 24, 25, 28 & 29";
29662A 107 1 Rev C "Housetype: 3 Bed Private OP2 Plans & Elevations plots 1, 2, 3, 7, 11 & 27";
29662A 107 2 Rev C "Housetype: 3 Bed Private OP2 Plans & Elevations plots 1, 2, 3, 7, 11 & 27";
29662A 108 1 Rev C "Housetype: 3 Bed Private OP3 Plans & Elevations plots 5, 6, 21 & 22";
29662A 108 2 Rev C "Housetype: 3 Bed Private OP3 Plans & Elevations plots 5, 6, 21 & 22";
29662A 109 1 Rev C "Housetype: 4 Bed Private OP4 Plans & Elevations plots 4, 15, 17 & 24";
29662A 109 2 Rev C "Housetype: 4 Bed Private OP4 Plans & Elevations plots 4, 15, 17 & 24";
29662A 110 Rev B "Site Roof Layout Plan";
29662A 120 Rev B "Site Section A-A";
29662A 121 Rev B "Site Section B-B";
29662A 503 Rev C "Garage Floor Plans and Elevations";
29662A 504 Rev A "Car Port Plan";
D2776-FAB-00-XX-DR-L-0101 Rev D102 "Play Strategy Sketch";
Play area relocation and new fencing mark up. Rev B;
1200mm bow top fencing;
020.0360.001 "Access Design";
020.0360.002 "Pedestrian Visibility Splays";
020.0360.003 "Access Tracking";
020.0360.006 Rev B "Level Mare Lane/Fontwell Avenue Junction Visibility Splays";
020.0360.009 "Vehicle Tracking";
020.0360.010 Rev A "Fire Tender Tracking";
020.0360.011 Rev A "Refuse Tracking";
020.0360.012 "Fontwell Avenue Tracking";
Schedule of Accommodation ref 29662A Rev R (03/11/20); and
Design & Access Statement May 2020, Ref F.

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

2 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays.

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

3 The development must be carried out in accordance with the Ecological Enhancement Plan (ref. LLD1544-ECO-DWG-001) and the accompanying Ecological Enhancement Specifications. The enhancements and mitigation measures shown on the drawing shall be implemented in full and 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 The approved Ecological Design Strategy: Mitigation Method Statement (ref. LLD2398-ECOREP-001, 28/07/21) which includes drawing LLD1544-ARB-DWG-002-03-TRPP shall be implemented and adhered to throughout the lifetime of the development.

Reason: Bats use the hedgerows for foraging and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan.

5 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the local planning authority (who shall consult with the Environment Agency & Portsmouth Water). The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with paragraph 109 of the National Planning Policy Framework and policies W SP1 & W DM1 of the Arun Local Plan.

6 The approved Construction & Environmental Management Plan (ref. HH27 Rev B) and the Site Compound Layout (ref. drawing 20072-PL-205 "Site Layout Building Materials") shall be implemented and adhered to throughout the entire construction period.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, ENV DM5, QE DM3, W SP1, W DM1 and T SP1 of the Arun Local Plan and the NPPF.

7 No dwelling shall be occupied until the foul drainage system has been fully implemented in accordance with the approved details (refs. 108.5009.501 Detailed Drainage Strategy Sheet 1; 108.5009.502 Detailed Drainage Strategy Sheet 2; and 108.5009.503 Detailed Drainage Strategy Sheet 3).

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage and to manage the quantity of foul sewage in order to minimise the risk to controlled waters & the public drinking water supply in accordance with policies W SP1, W DM1 and W DM3 of the Arun Local Plan.

8 No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the approved surface water drainage scheme (refs. 108-5009-501-C Detailed Drainage Strategy Sheet 1 of 6; 108-5009-502-E Detailed Drainage Strategy Sheet 2 of 6; 108-5009-503-F Detailed Drainage Strategy Sheet 3 of 6; 108-5009-504-E Detailed Drainage Strategy Sheet 4 of 6; 108-5009-505-D Detailed Drainage Strategy Sheet 5 of 6; 108-5009-506-E Detailed Drainage Strategy Sheet 6 of 6; 108-5009-519 Surface Water Drainage Catchments Plan 1 of 2; 108-5009-520 Surface Water Drainage Catchments Plan 2 of 2; 108-5009-751-A Highway Construction Details; 108-5009-552-A Construction Detail Section A-A Block Permeable Paving with Crate System; 108-5009-701-C Detailed Site Levels Sheet 1 of 2; 108-5009-702-C Detailed Site Levels Sheet 2 of 2; 108-5009-703 Permeable Paving Formation Levels Sheet 1 of 2; 108-5009-704 Permeable Paving Formation Levels Sheet 2 of 2; 108-5009-705-F Surface Finishes Sheet 1 of 2; 108-5009-706-E Surface Finishes Sheet 2 of 2; and 108-5009-551-G Drainage Construction 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.

9 Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the approved maintenance manual for the surface water drainage system (ref. 108.5009/MMS/3, 02/02/22 "SuDS Management and Maintenance Strategy").

Reason: To ensure that the proposed development is satisfactorily drained in accordance with polices W DM1, W DM2 and W DM3 of the Arun Local Plan.

10 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement, Lizard Landscape and Design Ltd, Ref. LLD1544-ARB-REP001, Rev. 00, March 2020 and the Tree Retention and Protection Plan, LLD1544-ARB-DWG-002 (Rev 04).

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

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

11 The approved tree protection measures (ref. LLD1544-ARB-DWG-002 Rev 04, Tree Retention and Protection Plan) shall be maintained throughout the duration of the site's construction and the site shall be monitored by an appropriately qualified arboricultural consultant, to ensure compliance.

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

12 The development shall be implemented in accordance with the approved Photovoltaics (PV) and fabric design efficiencies (ref. Energy Statement Rev 1, 30/06/21) and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

13 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Soils Limited (ref. 18570/SRP_R53, October 20), the approved Site Investigation Report (ref. FON206.D/SI/001 Rev A, Sept 2020) and the Mineral Recovery Strategy (ref. CWM141.D/MRS/001 Rev 1, July 2020). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework.

14 The approved details of the landscaping scheme (refs. L01 Rev A Detailed Planting Plan 1 of 8; L02 Rev A Detailed Planting Plan 2 of 8; L03 Rev B Detailed Planting Plan 3 of 8; L04 Rev B Detailed Planting Plan 4 of 8; L05 Rev A Detailed Planting Plan 5 of 8; L06 Rev A Detailed Planting Plan 6 of 8; L07 Rev B Detailed Planting Plan 7 of 8; L08 Rev B Detailed Planting

Plan 8 of 8; and DD504L09 Rev B "Planting Details, Planting Schedule, Matrix, Tree Pit Detail and Landscape Specification".) shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

15 No dwelling shall be occupied until the approved bin stores (ref. drawing 20072-BR-3-50) have been provided.

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

16 The development shall be carried out in accordance with the approved (refs. Outdoor Lighting Report (DW Windsor, March 2022); Drawing ref 21-0211-1C "Horizontal Illumination (lux)" and Kirium Pro Range specification sheets (DW Windsor)).

Prior to occupation of each dwelling, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. 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.

17 No part of the development shall be first occupied until such time as the vehicular access and associated highways works serving the development has been constructed in accordance with the details shown on the drawing titled ACCESS DESIGN and numbered 020.0360.001.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1 and the NPPF.

18 No part of the development shall be first occupied until visibility splays of 2.4m by 107.5m have been provided at the proposed site vehicular access onto Fontwell Avenue in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1 and the NPPF.

19 No dwelling shall be occupied until the car parking including garages associated with that dwelling has been constructed in accordance with the approved site plan. The car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

20 No dwelling shall be occupied until covered and secure cycle parking spaces (or if in garages then details of storage racks) associated with that dwelling have been provided in accordance with approved drawing MU2263-E0001 Rev 12 "Electric Construction Plan". Each dwelling shall be provided with a timber wallstore (a storage unit with hasp and staple for locking and double doors), constructed from 12mm shiplap cladding, a tongue & groove floor, a solid board roof, and have a dipped honey brown finish with mineral roofing felt.

Reason: To provide alternative travel options to the use of the car in accordance with Local Plan policies T SP1 and T DM1.

21 The Travel Plan (ref. 020.0360TP4 Rev 4, 12/05/22) shall be implemented in full and permanently retained thereafter.

Reason: To encourage and promote sustainable transport to accord with policies T DM1 and T SP1 of the Arun Local Plan.

22 The dwellings hereby permitted shall be built in accordance with the sound insulation scheme, set out within sections 4.5, 4.6, 4.7, 4.8 & Figure 1 of the "Proposed residential development at land west of Fontwell Avenue, Eastergate, Road Traffic Noise Assessment" by Hepworth Acoustics Ltd (ref P20-188-R01v1, dated April 2020). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out have achieved the Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014. Following the implementation of the insulation scheme for each dwelling, that dwelling shall not be occupied until test results, demonstrating that the minimum sound insulation criteria has been achieved, have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

23 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be implemented in accordance with the approved Openreach network connection drawing (ref. EJA_00M). Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy, suppling homes with 'superfast broadband' (defined as having a headline access speed of 24Mb or more).

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

24 The approved electric vehicle charging facilities (ref. 020.0360TP4 Rev 4, 12/05/22 "Travel Plan") shall be permanently retained and maintained in good working condition.

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

25 The approved public open space management arrangements (ref. Landscape Maintenance

and Management Specification, June 2022) shall be implemented in accordance with the provision as agreed by application BN/50/20/PL (or any subsequent variation application) prior to occupation of the 22nd dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

26 None of the dwellings shall be occupied unless and until full details of the management arrangements for the public play provision as shown on drawing D2776-FAB-00-XX-DR-L-0101 Rev D102 "Play Strategy Sketch" have been submitted to and approved in writing by the Local Planning Authority. The public play provision shall be implemented in accordance with the approved details prior to occupation of the 22nd dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to

Reason: To ensure that play provision is in place for future residents and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

27 The screens/railings for the FOG type dwellings (plots 12, 16, 23, 35) shall be implemented in accordance with the approved details (refs. "F.O.G UNIT STEELWORK Rev C01" and "Pilkington T Glass Datasheet") and permanently retained in good condition.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the amenities of nearby residential occupiers in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

28 Immediately following implementation of the approved surface water drainage system 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. The scheme shall thereafter be maintained 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.

29 Any deep pits, trenches or holes present on the site during construction works shall either be covered or have a secured plank within them to allow a means of escape for any animals.

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

30 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being fully implemented before development in that phase recommences. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that risks from land contamination to drinking water supplies is controlled

& mitigated and to protect the amenity of local residents in accordance with policies QE DM4, W SP1, W DM1 and W DM3 of the Arun Local Plan.

31 All bathroom, dressing room and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

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

32 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

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

33 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations any of the approved houses, unless permission is granted by the Local Planning Authority on an application in that behalf.

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

34 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 rear extensions to plots 2, 20, 21, 22, 25, 29, 30, 31, 32, 33 & 34 shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amenity of adjoining occupiers and maintain adequate private amenity space in accordance with policy D DM1 of the Arun Local Plan.

35 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

36 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Affordable Housing, specifically the provision of 13 dwellings consisting of 10 affordable rented dwellings and 3 intermediate dwellings. These to be provided not later than 50% occupation of the development.

37 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 the New Connections Services Charging Arrangements documents which is available to read on the SW website - https://beta.southernwater.co.uk/infrastructurecharges.

38 INFORMATIVE: Portsmouth Water state that they would have no objection to piling at this

location if the piles terminate within the Clay cover.

39 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.

Portsmouth Water have a presumption against deep bore soakaway disposal in this area as deep infiltration systems can provide a pathway for contaminants. Any contamination may pose a risk to groundwater underlying the site and to the surrounding potable supplies. If deep bore soakaway(s) are the proposed drainage solution, the application for the construction and installation should be accompanied by an adequate risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design.

40 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

41 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. For further information please contact the Environmental Health Department on (01903) 737555.

42 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 02/06/20) as available on the Councils website.

43 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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

45 INFORMATIVE: The applicant should note that this layout has been approved without full agreement in respect of drainage. If it becomes clear that drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage or if it is necessary to use Public Open Space for drainage then a new application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.