

REPORT UPDATE

Application No: BN/69/16/PL

Reason for the Update / Changes

Reason for Update/Changes:

(1) The policy commentary section of the report on pages 34-35 is incorrect in respect of the analysis of the Written Ministerial Statement (WMS). It should read as:

".... The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Barnham & Eastergate Neighbourhood Plan has not been part of the development plan for less than 2 years but the WMS is less than 2 years old;
- The Barnham & Eastergate Neighbourhood Plan allocates land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

(2) The Conclusions section of the report on page 37 also contains the same analysis of the WMS and therefore the revised text above should also replace the text on page 37.

(3) The development plan section of the report on pages 35-36 is incorrect in that it refers to the emerging Local Plan being part of the Development Plan when it is only a material consideration at this stage. It should instead read as:

"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 adopted Local Plan policies in that the site lies outside the built up area boundary where development is generally not allowed. 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 infill residential development across the Parishes."

(3) The report does not make any reference to the weight to be afforded to the adopted Local Plan. Therefore, the following should be noted:

"Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up

report

areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011 and because the Council cannot currently demonstrate a 5 year NPPF compliant housing land supply. However, it is considered that weight can still be attributed to those other policies within the Local Plan which do not relate to the location of new housing."

Officers Comment:

There are no changes to the recommendation, conditions, reasons or informatives.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BN/69/16/PL

Recommendation Report for Planning Permission

REF NO: BN/69/16/PL

LOCATION: Land East of Toll Cottage
Lake Lane
Barnham

PROPOSAL: 5 no. dwellings comprising 2 no. 4- bed houses, 2 no. 3- bed houses & 1 no. 3- bed bungalow, with access & ancillary works. This is a departure from the Development Plan & affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application details a scheme of five dwellings, two of which are semi-detached and the other three being detached. Plots 1, 3, 4 and 5 are all two storey in height whilst plot 2 is a bungalow. The four houses have garages (the bungalow does not). Three of the four garages are integral. The fourth, plot 5 has a detached garage set back from the rear building line. The site is already well landscaped but the scheme includes new hedge planting to the plot boundaries to soften the development. Each house will have at least 2 allocated parking spaces to a total of 11 across the site.

	The line of the Public Right of Way will change slightly and part of the route (where it crosses new road) will also be subject to a surface change from bare earth/grass to block paving. Eight trees will be removed including some of the protected Group 1 trees within the site. A further tree is to be crown lifted and another crown reduced. However, the protected trees along the frontage will be retained & protected.
SITE AREA	0.38 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	13.2 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but undulating.
TREES	The site is covered by a Tree Preservation Order which comprises of 3 groups of trees, two along the frontage and the third within the site itself: Group 1 - English Oak and Common Alder; Group 2 - 2 x Common Lime and 1 x Common Ash (frontage); and Group 3 - 4 x English Oak, 2 x Sycamore & 2 x Common Lime (frontage).
BOUNDARY TREATMENT	Boundaries are difficult to ascertain due to overgrown nature of the site but would appear to be post & rail and part 2m high wall to Milestones.
SITE CHARACTERISTICS	Overgrown parcel of natural land with some mature trees and crossed by a footpath. There is a drainage ditch running along the site frontage. Access to the site at present is over a footbridge over the ditch.
CHARACTER OF LOCALITY	Semi-rural. The site has a wooded nature but backs onto a housing development site. There are three residential properties adjoining the western boundary (Milestones, Maytrees & Toll Cottage), a further two opposite (Flamsteed & High Trees) and then further east, the start of a more built up area. Milestones is considered to be the most affected property. It is a detached pitched roof bungalow with accommodation in the roof. The windows serving the upper floor accommodation face east and north.

RELEVANT SITE HISTORY

BN/23/16/OUT	Outline application for 4No. detached dwellings comprising of 2No. 4-bed houses, 1No. 3-bed house & 1No. 3-bed bungalow, with access & ancillary works. This application is a Departure from the Development Plan & affects a Public Right of Way. Resubmission of BN/45/15/OUT	ApproveConditionally 19-07-2016
BN/50/16/DOC	Application for approval of matters reserved by condition imposed under BN/23/16/OUT relating to condition No. 4 (Archaeological written scheme of investigation) & 5 (Construction Management Plan)	DOC Approved 01-11-2016
BN/57/16/DOC	Application of approval of matters reserved by condition imposed under BN/23/16/OUT relating to Condition No. 6 (surface water drainage), 7 (discharge of any flows to watercourse), 8 (future access & maintenance of any watercourses or culvert) & 18 (public rights of way)	DOC Approved 16-01-2017
BN/64/16/RES	Approval of reserved matters following outline consent BN/23/16/OUT for 4No. detached dwellings - for scale, appearance & landscaping.	ApproveConditionally 02-02-2017

The site benefits from an extant planning permission for 4 dwellings which expires in July 2021. The new scheme is very similar in layout to the approved scheme as demonstrated by a comparison of the two layouts. In preparing the conditions to be applied to this recommendation, regard has been had to those applied to the previous outline and reserved matters approvals.

REPRESENTATIONS**Representations received:**

Barnham Parish Council

"At the meeting of Barnham Parish Council on Monday 30th January the Council resolved to object to this application citing policies ES1 - Flooding, drainage and new development and GA2 Footpath and cycle path network of the made Barnham and Eastergate Neighbourhood Plan. The Council feel that the proposal to add an additional dwelling to the site would cause further drainage issues and the additional hard surfaces that are now shown on the plans would exacerbate surface water issues on what was already considered a vulnerable site. With regard to the PROW diversion the Council has noted that it is proposed to block pave the diverted section and they would wish the applicant to consider improving the surface of the rest of the stretch of the PROW adjacent to the site should the application be approved."

One letter of objection raising the following concerns:

- * Impact on capacity of existing foul sewers and potential for leakage onto Lake Lane; and
- * Impacts on the integrity of the surface water drainage culvert running along the site frontage.

Comments on Representations received:

The issues raised will be discussed in the Conclusions section.

The applicants have submitted a letter in response to the Parish Council comments. This is set out below:

"The Parish Council has resolved to object to the application citing Policy ES1 (Flooding, Drainage and New Development) and GA2 of the Barnham and Eastergate Neighbourhood Plan (Footpath and Cycle path Network). I would like to make brief comments in response, to clarify matters, as follows.

Drainage: Planning permission has recently been granted for 4 dwellings on this site under outline planning permission ref: BN/23/16 and by subsequent Discharge of Condition applications. The principle of the drainage strategy has therefore been approved in detail.

Nevertheless, the drainage of the site has again been considered and calculated by RGP Design Ltd (Drainage and Highway Engineers). The current application for 5 dwellings does not significantly increase the impermeable area over and above the approved scheme, this increase amounts to approximately 170 sq m, which is insignificant. The submitted Drainage Strategy report looks at various sources of flooding and considers the site to be at a moderate to high risk for ground water flooding and not at risk from pluvial (rain) and fluvial (river) flooding. Infiltration testing has been undertaken and, due to high ground water levels, it is acknowledged that infiltration methods of drainage are unlikely to operate successfully. The proposed drainage strategy therefore is for a positive piped water strategy, with surface water storage tanks on the site, with a flow control device to control the discharge to the watercourse, this being the most sustainable and reliable solution. The system will mimic the greenfield run-off rate and has been designed to cater for a 1 in a 100 year critical storm event, including a 40% increase in capacity to cater for impacts of climate change. In an extreme rainfall event, it is designed to ensure that overland flows will remain unchanged from the current situation.

The system has been designed to ensure that there is no increase in flow on to adjacent land or to existing drainage networks. The proposed development can therefore be implemented without any increase in flood risk. There will be no additional drainage problems as the Parish Council believe.

Footpath: The submitted site plan clearly shows that the footpath is not being diverted. Part will be resurfaced as part of the proposals, where it runs in front to the new dwellings and WSCC have already agreed that this is acceptable. There are no proposals to surface the whole length of the footpath. However, as the existing footpath appears to have been little used in the past, the proposals will ensure that the footpath is kept clear, open and useable, thereby retaining and improving footpath links in the locality in accordance with NP policy."

CONSULTATIONS

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

Consultations responses received:

SOUTHERN WATER - No objection subject to an informative regarding new connections to the foul sewer.

WSCC HIGHWAYS - No objection. Comment:

"Access & Visibility

The access design remains the same as that approved under BN/23/16, whereby the existing access position will be widened to allow two cars to pass in opposing directions and be constructed to a bell mouth design to allow for Refuse Collection vehicles to enter the site. The applicant would be required to implement these access works via a Section 278 Agreement.

As set out in previous response there is no apparent visibility issue on to Lake Lane in this location. Visibility splays of 2.4 metre by 43 metre, in line with Manual for Streets guidance for a 30 mph road, is achievable wholly within the maintainable highway.

Car Parking and Turning

Plots 1, 3, 4 and 5 will be served by a single garage each plus hardstanding space fronting this for a car. Plot 2 (bungalow) will be provided with a hardstanding driveway with depth for up to two cars. On this basis of two spaces per dwelling the WSCC car parking demand calculator envisions demand for up to 12 spaces on site, including visitor parking. It does appear, from an inspection of the site layout plan, that some visitor parking could be accommodated within each plot without effecting space required for a Refuse Collection vehicle to turn on site.

Overspill visitor parking within the site would not cause a highway safety concern though a certain element of consideration on other residents parking, without obstructing internal access routes, would be present. Revised Swept Path Analysis plans (Rev B) indicate the achievability of cars, Fire Tender and Refuse Vehicle to enter, turn on site utilising the turning head provided, and egress on to Lake Lane. The LHA do not raise any concerns in relation to access for servicing vehicles.

Public Right of Way (PROW)

Previous comments to BN/23/16 dated 25th May 2016 should be referred to with regards to the PROW footpath no. 324 running through the site:

"The granting of planning permission does not authorise obstruction of, interference to or moving of any PROW; this can only be done with the prior consent of West Sussex County Council's Rights of Way team. Safe & convenient public access is to be available at all times across the full width of the PROW. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals. To this end the existing public right of way F.P.324 across the site must remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of any public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development. I would request this matter be secured via planning condition should the LPA be minded to grant planning consent. The surface material used for the continuation of the FP through the south western corner of the site, where it will re-join the existing legal line, must be approved by WSCC's PROW team."

Capacity

The Transport Statement includes a Trip Rate Information Computer Systems (TRICs)

assessment of predicted vehicle movements to and from Lake Lane as a result of the proposals. Interrogating relevant data the results demonstrate an expected level of two movements in the AM peak (08:00-09:00) and three movements in the PM peak (17:00-18:00). 25 additional two-way movements over the course of a day are anticipated. The LHA concurs that this increase in vehicular movements would not be considered to have a 'severe' impact on the local road network and do not wish to raise any highway capacity concerns as a result of the proposals.

Sustainability

As per previous comments each dwelling should be provided with a secure and covered cycle parking provision large enough to store two cycles per dwelling to promote sustainable modes of transport. Local grocery retail and services along with Barnham Train Station are within walking distance from the site along street lit footway links. The location provides opportunity to utilise sustainable modes of transport and not rely entirely on the private car.

Conclusion

The LHA does not consider that the proposal for 5 x dwellings would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal."

CHICHESTER DISTRICT COUNCIL ARCHAEOLOGY - No objection. Comment:

"I agree that it is the risk to any as yet unknown heritage resource on this site that should be mitigated and that this would be best achieved through a staged process of evaluation and, where appropriate, further investigation in order to ensure appropriate preservation by record and publication of the results. This procedure would be best secured following a version of standard condition ARC1 as follows: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority."

CHICHESTER DISTRICT COUNCIL ECOLOGY - No objection. Comment:

"I note the conclusions of the Preliminary Ecological Appraisal, Reptile Survey and Amphibian Survey and should permission be granted, the following conditions should be imposed:

- A sympathetic external lighting scheme which avoids mature trees, hedge lines and bat boxes/bricks. Any external lighting should be downward facing to prevent excessive light spill;
- Any vegetation clearance should take place outside the bird breeding season (Feb - Sep inclusive) or following inspection by a suitably qualified ecologist;
- The inclusion of long herbaceous vegetation within the landscaping immediately adjacent to the southern tree line;
- The installation of 1 log pile, 2 bat boxes and 2 bird boxes in suitable locations."

ADC TREE OFFICER - No comments received. Advice received in relation to previous application, BN/64/16/RES, stated no objection subject to adherence to the submitted tree protection drawings and requested the following condition:

"No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be

undertaken in strict accordance with the approved details. The scheme shall include details of:

a) A pre-commencement meeting between the retained arboricultural consultant and the local authority Tree Officer and personnel responsible for the implementation of the approved development - primarily to inspect the erected Protective Fencing to verify that it is as shown on the submitted Tree Protection Plan and is also of the desired quality and 'fit for purpose' in accordance with BS5837:2012 recommendations; and

b) Timings, frequency & methods of site visiting and an agreed reporting process to the Local Planning Authority."

ADC DRAINAGE ENGINEER - No objections. Comment: "Apply ENGD2A, ENGD5A and ENGD6A. Conditions to then be discharged based on details submitted for BN/57/16/DOC revised for the difference in impermeable area in this submission."

Comments on Consultation responses:

Comments noted and conditions/informatives applied.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Lidsey WwTW Drainage Area;
Tree Preservation Order (Ref TPO/BN/1/13); and
Special Control of Adverts.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN5</u>	Provision of New Residential Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
	<u>GEN28</u>	Trees and Woodlands
	<u>GEN29</u>	Nature and Conservation Across the District
	<u>GEN33</u>	Light Pollution
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D DM3 External Space Standards
		D SP1 Design
		ECC SP2 Energy and climate change mitigation
		ENV DM4 Protection of Trees
		ENV DM5 Development and Biodiversity
		ENV SP1 Natural Environment
		HER DM6 Sites of Archaeological Interest
		QE DM2 Light Pollution
		SD SP1 Sustainable Development
		SD SP2 Built-Up Area Boundary
		T DM1 Sustainable Travel and Public

	Rights of Way T SP1 Transport and Development 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 ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
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 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

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication.

A new local plan is in preparation and may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

The relevant policies of the Arun Local Plan 2011 to 2013 - Submission Document - Modifications for the Inspector - March 2017 are as follows:

SD SP1 Sustainable Development
SD SP1a Strategic Approach
SD SP2 Built-up Area Boundary
C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
ENV SP1 Natural Environment
QE DM2 Light Pollution
HER DM6 Sites of Archaeological Interest
T SP1 Transport and Development
T DM1 Sustainable Travel and Public Rights of Way
W DM3 Sustainable Urban Drainage Systems

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of

planning application consultation, been publicised for pre-submission consultation(Reg.14).

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Only one of the above circumstances arises as the Barnham & Eastergate Neighbourhood Plan is more than 2 years old and although it allocates sites for housing, Arun District Council cannot currently demonstrate a 3 year supply of deliverable housing sites.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Relevant policies in the Barnham & Eastergate Neighbourhood Plan have been taken into account.

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 adopted and emerging Local Plan policies in that the site lies outside the built up area boundary where development is generally not allowed. 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 infill residential development across the Parishes.

OTHER MATERIAL CONSIDERATIONS

It is considered that the presence of the extant planning permission for 4 dwellings on this site is an important and compelling material consideration in the determination of this planning application as it represents an approved 'fall-back' position. Furthermore, 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 infill residential development across both Parishes.

CONCLUSIONS

PRINCIPLE:

The site is located immediately adjacent to the edge of the built up area boundary which forms the boundary of the curtilage to Milestones to the west of the site. Nevertheless, the site is outside of the built up area in a location not allocated for housing. Therefore, the principle of development is considered unacceptable other than for certain types of development. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. Government planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

The Council is currently unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF).

The Examination into the Publication Version of the emerging Local Plan 2011-2031 (October 2014) was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) of 580 units per annum was inadequate to meet future housing needs and should be reviewed higher. As a result of this, the Council has been assessing additional strategic sites for inclusion in a revised Local Plan. The current OAN figure (as at October 2016) is 919 units per annum.

On 22 March 2017, the Council agreed the content of the modifications to the emerging Local Plan and these modifications ("Arun Local Plan 2011 to 2013 - Submission Document - Modifications for the Inspector - March 2017") are currently scheduled for public consultation between 10 April 2017 and 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and are a material consideration. Proposed Policy H SP1 states that the Council will provide for 20,000 new homes through the Local Plan. Furthermore, policy H SP2c states that there will be a site specific allocation on land between Barnham, Eastergate and Westergate of at least 2300 homes (rising to 3,000 after 2031).

The Barnham & Eastergate Neighbourhood Development Plan (NDP) allocates land elsewhere within the area for 60 houses. However, Policy H2 states that permission will be granted for small residential developments on infill and redevelopment sites within the area. This policy does not state that such sites need to be within the built up area boundary.

The National Planning Practice Guidance (NPPG) provides clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

The weight afforded to Neighbourhood Plans has been clarified by a written Ministerial Statement (13/12/16) which confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old;
- The NDP allocates sites for housing; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Only one of the above circumstances arises as the Barnham & Eastergate Neighbourhood Plan is more than 2 years old and although it allocates sites for housing, Arun District Council can only currently demonstrate an approximate 2 year supply of deliverable housing sites.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role-

Paragraph 55 of the NPPF advises that new isolated homes in the countryside should be avoided, unless there are special circumstances. It also states that housing in rural areas should be located where they will enhance or maintain the vitality of rural communities.

The site is located within the countryside just outside of the built up area boundary of Barnham. However, the site is well related to existing residential development to the west. It is also located opposite two existing houses and there is a large former Nursery site to the south which is being developed for 107 houses (Pollards Nursery Refs BN/16/12/OUT & BN/21/15/RES). It is therefore considered to be well related to existing & planned residential development.

The nearest shop is the Premier Store on Lake Lane to the west, a walk of 430m. Barnham Town Centre (including a railway station) is approximately 730 km away. However, some sections of Lake Lane are not served by pavement footpaths and therefore the walk to the local shop may not be attractive to all pedestrians. With regard to cycling, although there is not a cycle only lane between the site and these facilities, Lake Lane is considered to be suitable for cyclists. The footpath through the site does provide alternative access to Barnham. Regardless of the missing sections of pavement, it is considered that this is an environmentally sustainable location for development.

Social Role-

It is considered the proposal will support the local community by providing five new houses of either three or four beds to help meet future needs. This factor weighs in the scheme's favour.

Economic Role-

It is considered the proposal will (1) lead to a small increase in Council Tax receipts; (2) lead to a small increase in New Homes Bonus payments; (3) create/maintain jobs during construction; and (4) bring people into the local area who will then contribute to the local economy. All of these would provide a small benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

It is considered that the proposals is environmentally acceptable and offers economic & social benefits. As such, it is sustainable development and therefore benefits from the presumption on favour of sustainable development as set out within paragraphs 14 and 49 of the NPPF.

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

This site lies in a countryside location outside the defined built up area. Relevant local plan policies for the supply of housing should not be considered up-to-date as although a Local Plan is proposed which will provide housing to meet future needs, the current situation is that the Council cannot demonstrate a 5 year supply of deliverable housing sites. Furthermore, according to the recent Ministerial Statement, housing policies within the NP should be considered out-of-date.

The above analysis shows that the proposal represents sustainable development and benefits from the presumption on favour of sustainable development set out in paras 14 and 49 of the NPPF. It is therefore, not necessary to consider the 'fall-back' position in terms of the extant approval for 4 dwellings on this site. However, this does also weigh in favour of the application.

DESIGN & CHARACTER:

It is important to note that there is an extant permission for 4 dwellings across the site as approved by both BN/23/16/OUT and BN/64/16/RES. It was previously considered that the four dwelling scheme was a low density scheme which was in character with the form of existing surrounding development.

The addition of a fifth dwelling does not materially affect the density of the scheme (increasing from 11 to 13 dwellings per hectare) and therefore this remains as a low density development. Indeed, much of the site is retained as tree planting or allocated to garden space.

Although the orientation of the layout is unusual (in that three of the dwellings will back onto Lake Lane and the other two are orientated at a right angle to the road), it is noted that some of the existing dwellings to the west are also orientated so as not to face onto the road.

It should also be noted that due to the existing frontage tree planting, views of the houses within the site will be partially screened and as such, the orientation of some of the houses will not be obvious to passers-by. Indeed as according to submitted illustrative Street Scene, the two sideways facing houses will be substantially screened when the trees are with leaves. This existing landscaping will also soften the hard nature of the development and reduce the visual impact that would be associated with the change of this site from natural to semi-developed.

The submission details a scheme of 4 two storey and 1 single storey dwelling. This is acceptable given the scale of surrounding development (mix of single and two storeys). It is also noted that

none of the elevations show windows in the roofs and hence none of the dwellings can be described as 2 and a half or 3 storeys. The submitted streetscene demonstrates that the new dwellings will be largely hidden behind existing tree planting.

The design of the proposed houses is considered to be acceptable having regard to the character of the area and the context of existing built development (which is fairly traditional and consists of brick, hanging tiles, render and some timber elements. It is proposed to use bricks, hanging tiles and plain/slate effect tiles. A condition will be imposed to secure samples of the proposed materials.

RESIDENTIAL AMENITY:

It is considered that the layout demonstrates through a combination of adequate interface distances (e.g. 20m between plot 1 and Milestones to the west) and existing tree planting, that there will not be any adverse overlooking or harmful loss of light to either existing or proposed properties. The proposed layout is also acceptable with regard to the planned houses to the south.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). It is noted that the size and dimensions of plots 1, 2 and 5 are exactly the same as those previously proposed and these have therefore already been agreed. The situation in respect of plots 3 & 4 are as follows:

Unit No. - No. of beds - No. of People - Required Floor Space - Actual Floor Space

3	3	4	84m ²	96m ²
4	3	4	84m ²	96m ²

The scheme therefore complies with these requirements.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes and has been subject to testing on appeal. The requirements for the scheme vary between 85m² for detached/semi-detached dwellings of up to 3 bedrooms or 100m² for larger houses. In both cases, rear gardens should be at least 10m deep

As with the internal standards, plots 1, 2 and 5 have not been altered and were agreed by the previous planning permission. Plots 3 & 4 both require gardens of 85m²/10m depth. Both proposed gardens exceed the area requirement. Plot 3 has an average depth of 12m. Plot 4 on the other hand has an average depth of 9.75m but this is acceptable shortfall particularly given that the garden area is 92m².

HIGHWAYS & PARKING:

The applicants have provided a Transport Statement, an Access Arrangement/Visibility drawing and a series of swept path analysis drawings.

WSCC Highways have assessed the information provided and consider that the scheme will be acceptable having regard to highway safety and capacity. The application is therefore considered to comply with the National Planning Policy Framework paragraph 32.

The West Sussex Parking Demand Calculator requires a total of 12 parking spaces based on 2 allocated spaces per dwelling. The layout drawing demonstrates that 11 spaces are proposed. This is considered to be acceptable based on the fact that residents can easily walk or cycle to Barnham and that there will be provision for cycle storage.

PUBLIC RIGHT OF WAY:

The impact of the scheme on the existing public right of way has already been assessed & agreed by both WSCC and Arun District Council through the discharge of condition 18 of the Outline permission (ref BN/23/16/OUT). The addition of a fifth dwelling does not materially alter the impact on the footpath.

The Parish Council's request for further upgrading of the footpath is noted but it is not considered that this can be insisted upon given that the other parts of the site where the footpath exists are to remain natural (and suitable for wildlife) and also noting the extant approved scheme for the 4 dwellings.

TREES:

The scheme retains a number of existing trees across the development site including crucially the majority of the trees along the boundaries. In addition, new hedging is proposed. This means that the five dwellings will be well screened and will have limited visibility from external viewpoints. The Councils Tree Officer previously advised that the 4 dwelling scheme was acceptable subject to a tree protection condition and also adherence to the submitted tree protection drawings. These measures will also be imposed on this recommendation.

ECOLOGY

The site includes identified habitats of improved grassland, tall ruderal (plants growing on waste ground) and dense scrub with scattered trees & tree lines to the site boundaries. There is also a pond within 60m of the site. As such (and noting the ecology survey work undertaken in relation to the development site to the south), it was considered necessary to survey the site particularly for reptiles and amphibians.

The applicant has provided a Preliminary (Phase 1) Ecological Appraisal Report, a Phase 2 Amphibian Survey and a Detailed Reptile Survey. The Council's ecologist has assessed these documents and raises no objection subject to adherence to the proposed mitigation measures. Conditions are proposed to secure this. On this basis, it is considered that the proposed development will be acceptable having regard to wildlife species and their habitats.

FOUL & SURFACE WATER DRAINAGE:

There have been objections to the scheme on the grounds of inadequate foul sewers and the impact of the scheme on the integrity of the surface water drainage culvert running along the site frontage. Furthermore, the Parish Council consider the additional dwelling will exacerbate existing

surface water drainage issues in the area.

Firstly, it should be noted that the site does not lie in an area at risk from flooding caused by inland rivers (and therefore is within Flood Zone 1). Secondly, it is clear that Southern Water (who are responsible for the foul sewer) do not raise any objection to the development. It is not therefore considered possible to sustain a refusal reason on foul sewerage issues.

In respect of surface water drainage, the Councils Drainage Engineers have carefully considered the proposal and do not wish to raise any objection. However, they have stipulated that the development should be subject to certain conditions relating to surface water drainage and works to/discharge to/maintenance of the drainage ditch which fronts the site. On this basis, it is not considered that a refusal can be sustained on these grounds either.

It should also be noted that the addition of the fifth dwelling does not significantly increase the impermeable area over and above the approved four dwelling scheme. The increase in hard surface amount to only approximately 170m²

SUMMARY:

It is considered this proposal represents sustainable development and therefore given the Councils housing land supply situation and the low weight to be afforded to the Barnham & Eastergate Neighbourhood Development Plan, the NPPF presumption in favour of sustainable development takes precedence. Furthermore, the site has the benefit of an extant permission for four dwellings.

The concerns of the Parish Council and the neighbouring property have been considered within the above report but are not considered to be such that the presumption in favour should be withheld and it is therefore recommended that permission be 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 :

Location plan dwg. 01 Rev A;
Site Layout-Landscaping dwg. 30 Rev D (Oct 2016);
Site Layout-Landscaping dwg. 49 (Nov 2016);
Plot 1 Plans & Elevations dwg. 31 Rev B;
Plot 2 Plans & Elevations dwg. 32;
Plots 3 & 4 Floor Plans dwg. 33;
Plots 3 & 4 Elevations dwg. 34 Rev A;
Plot 5 Plans & Garage dwg. 35 Rev A;
Plot 5 Elevations dwg. 36;
Street Scene to Lake Lane dwg. 46;
Existing Public Rights of Way Route and Development Impacts dwg. 205/D1042/1000 Rev B;
Tree Retention and Protection Plan dwg. LLD898/02 Rev 02;
Tree Constraints Plan dwg. LLD898/01 Rev 03;
Drainage Strategy Location Plan dwg 2015-D1042-SK100 Rev B;
Drainage Strategy Foul and Surface Water Proposals dwg 2015-D1042-SK300 Rev B;
Drainage Strategy Topographical Survey and Contours dwg 2015-D1042-SK101 Rev B;
Drainage Strategy Impermeable Area Comparison dwg 2015-D1042-SK101 Rev B;
Proposed Access Arrangement and Visibility Splays dwg. 2016/3446/001 Rev B;
Swept Path Analysis 1 dwg. 2016/3346/002 Rev B;
Swept Path Analysis 2 dwg. 2016/3446/003 Rev B; and
Surface Finishes & Vehicle Tracking dwg. 2015-D1042-003 Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be undertaken in strict accordance with the approved details. The

scheme shall include details of:

- a) A pre-commencement meeting between the retained arboricultural consultant and the local authority Tree Officer and personnel responsible for the implementation of the approved development - primarily to inspect the erected Protective Fencing to verify that it is as shown on the submitted Tree Protection Plan and is also of the desired quality and 'fit for purpose' in accordance with BS5837:2012 recommendations; and
- b) Timings, frequency & methods of site visiting and an agreed reporting process to the Local Planning Authority.

Reason: To adequately protect all trees worthy of retention from development harm and to provide for their amenity contribution thereafter in accordance with Policy GEN7 of the Arun District Council Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to protect the trees prior to commencing any building works.

- 4 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.

No 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 GEN7 and GEN9 of the Arun District Council 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 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. This is required to be a pre-commencement condition because it is necessary to agree details of surface water drainage prior to commencing any building works.

- 6 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7. This is required to be a pre-commencement condition because the site cannot be checked for archaeology once the ground works have commenced.

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- * the anticipated number, frequency and types of vehicles used during construction,
- * the method of access and routing of vehicles during construction,
- * the parking of vehicles by site operatives and visitors,
- * the loading and unloading of plant, materials and waste,
- * the storage of plant and materials used in construction of the development,
- * the erection and maintenance of security hoarding,
- * the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- * details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because construction cannot commence until the management of this aspect has been agreed.

- 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. This is required to be a pre-commencement condition because it is necessary to ensure that the development does not restrict access to such watercourses.

- 9 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 GEN7 of the Arun District Local Plan.

- 10 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 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 by endeavouring to achieve a development of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until details of new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 12 There shall be no clearance of vegetation within the bird breeding season which lasts from February to September inclusive other than with the written approval of the Local Planning Authority following inspection by a suitably qualified ecologist.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 13 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

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

Reason: To provide alternative travel options to the use of the car in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 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 enclosures shall thereafter be permanently retained.

Reason: To safeguard the appearance of the site and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 17 The development must be carried out in full accordance with the following ecological mitigation measures as set out within both paragraph 7.1 (Ecological Enhancements) of the Lizard Landscape Design "Preliminary Ecological Appraisal Report - Protected Species Assessment" (November 2016) and the comments of the Council's Ecological Adviser:

- * The use of native tree and shrub species within the soft landscape proposals (suitable species may include common hazel (*Corylus avellana*); hornbeam (*Carpinus betulus*); and downy birch (*Betula pubescens*);
- * The inclusion of long herbaceous vegetation within the landscaping immediately adjacent to the southern tree line;
- * The use of flowering shrubs as listed within the RHS Perfect for Pollinators plant list to provide year-round interest for invertebrates;
- * Re-enforcing the boundary hedges and tree lines with native species to allow their use as a commuting / foraging corridor for birds and bats on site;
- * Provision of at least 2 nesting boxes for a variety of bird species in suitable locations;
- * Provision of at least 1 log pile in a suitable location suitable for reptiles and small mammals; and
- * Provision of at least 2 bat boxes/bricks in suitable locations such as within the new dwelling houses or on existing surrounding trees.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 18 The development must be carried out in full accordance with the recommendations made within the submitted Sustainability Statement dated 12/10/15.

Reason: In accordance with the National Planning Policy Framework.

- 19 The existing public right of way F.P.324 across the site shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of any public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development.

Reason: To safeguard the rights of the public in accordance with the National Planning Policy Framework.

- 20 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 also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of downward facing 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) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan and the National Planning Policy Framework.

- 21 Any garage building shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 22 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 GEN7 of the Arun District Local Plan.

- 23 All of the bathroom and en-suite bathroom windows in the five dwellings as approved shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 24 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.

- 25 INFORMATIVE: Drainage Engineers advise that 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 BRE 365, 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 30% 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 are also available on request.

- 26 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 27 INFORMATIVE: The applicant would be advised to contact WSCC Public Rights of Way Team (01243 642105) to agree any change in surfacing to F.P.324
- 28 INFORMATIVE: Please note that no land drainage or groundwater is permitted to communicate with the foul sewer.
- 29 INFORMATIVE: The applicant is advised to enter into a legal agreement with 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.
- 30 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 31 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 32 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.