

Recommendation Report for Outline Consent

REF NO:	BR/242/21/OUT
LOCATION:	Land rear of 94-100 Hook Lane Bognor Regis PO22 8AT
PROPOSAL:	Outline application with all matters reserved except access for the demolition of existing bungalow to form new access for up to 6 No. detached chalet dwellings (resubmission following BR/124/21/OUT). This application may affect the setting of listed buildings & may affect the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks outline planning permission for the erection of up to 6 dwellings. Access is proposed through the demolition of the existing no. 94 Hook Lane and the site area includes the plot of no. 94 and parts of the rear gardens of nos. 96, 98 and 100 Hook Lane. All matters are reserved with the exception of access, which is to be determined as part of the outline application. The access will be 4.8m wide with a shared surface.
SITE AREA	0.29 hectares
RESIDENTIAL DEVELOPMENT DENSITY	Up to 17.4 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	There are mature trees on the southern and eastern boundaries of the application site. Within the application site are a number of specimens within existing rear gardens but these are not of any significance.
BOUNDARY TREATMENT	The rear boundary to the University of Chichester is a mature landscaped boundary. To the east, the University are developing an extended campus away from the historical parts of the campus and this is also a mature landscaped boundary. To the west is a typical residential rear garden boundary of fencing and low level planting.
SITE CHARACTERISTICS	Residential gardens. Open ditch to the southern boundary and sewer along the eastern.
CHARACTER OF LOCALITY	The area is characterised by detached one and a half storey dwellings in a relatively uniform alignment. University of Chichester at Bognor Regis to the south and east. Nos 96-100 Hook Lane all have windows in their roofs facing the site.

RELEVANT SITE HISTORY

BR/124/21/OUT	Outline application with all matters reserved except for access for demolition of existing bungalow to form new access and residential development of up to 6 No. chalet houses. This application affects the setting of the Upper Bognor Road & Mead Lane Conservation area.	Refused 21-06-21
BR/48/21/PD	Prior notification under Schedule 2, Part 1, Class AA for an additional storey on existing detached dwelling.	No Object'n + Conds 23-04-21
BR/139/18/OUT	Outline application with some matters reserved for the demolition of 1 No. existing dwelling to form access for 6 No. residential dwellings. This application affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area.	ApproveConditionally 15-11-18

Outline planning permission was previously granted by BR/139/18/OUT under delegated powers but this has time expired. A subsequent application for outline permission was refused due to the Flood Risk Assessment not being up-to-date and there being no information to enable the assessment of the sequential and exceptions tests. It is also noted the owner of 100 Hook Lane has been granted prior approval under permitted development rights to turn their bungalow into a two storey dwelling.

REPRESENTATIONS

Bognor Regis Town Council state no objection. No resident letters.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - originally raised concerns with the Flood Risk Assessment (FRA) due to its use of defended flood levels, the climate change allowances not being current and the proposals for flood compensation. Following the submission of further information, they have withdrawn their objection and now recommend conditions to secure the mitigation measures including flood compensation storage, finished floor levels and no ground floor sleeping accommodation.

WSCC HIGHWAYS - no objection (and recommend no conditions) with the following comments:

- The access is shown on drawing no: 2.01 rev P4 as being 4.8m wide which will allow two standard cars to pass and is acceptable for this level of development;
- A turning head is shown on the site plan and it is assumed that refuse collection will take place from

within the site;

- Tracking will therefore be required at Reserved Matters stage to demonstrate that a refuse vehicle can enter, turn on site and exit the access safely in forward gear;
- There is currently one parking space outside the property which will be lost with the installation of the proposed access; and
- There are double yellow lines on the opposite side of the road to stop parking occurring, so it's not expected that parking will restrict access movements to or from the site.

WSCC DRAINAGE - no objection with the following comments:

- Current surface water mapping shows that the proposed site is at moderate risk from surface water flooding;
- This risk is based on modelled data only;
- Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk;
- The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping but again this risk is based on modelled data only;
- Watercourse along the southern boundary; and
- No records of historic surface water flooding within the confines of the proposed site.

ADC DRAINAGE ENGINEERS - advise of a holding objection due to concerns over the risk of the development increasing surface water flooding, as to how excavation to create flood compensation will be free from groundwater and the proposed surface water discharge rate. Request winter groundwater monitoring results, an assessment of pluvial flood risk, details of displaced pluvial volume & compensatory pluvial volume, a revised surface water drainage strategy with discharge limited to a maximum of 2l/s and details of measures to ensure a 3m clear buffer is provided to the existing watercourse along the southern boundary. However, also state that if minded to approve conditions PCENG2, PCENG3 and PCENG4 should be imposed.

ADC ENVIRONMENTAL HEALTH - no objection but recommend conditions relating to electric vehicle charging points, heat pumps, contamination, dust from construction and construction hours.

ADC CONSERVATION OFFICER - states that the proposal will not cause harm to the significance of the heritage assets or their setting and therefore should be determined in accordance with the relevant development plan policies and the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Comments as follows:

- The application site is located adjacent to the Bognor Regis (Upper Bognor Road and Mead Lane) Conservation area which consists of an important and imposing set of principally late 18th Century buildings fronting Upper Bognor Road contrasted with the historic character of Mead Lane;
- There are also a number of listed buildings in the local area, including those on the university campus;
- The heritage assets are considered to be of architectural and historical significance.
- The boundary between the site and the university campus forms the boundary of the conservation area and consists of fencing & a number of attractive mature trees, which should be retained as part of any proposal;
- This would ensure that any development is screened from the neighbouring conservation area and associated listed buildings;
- The closest university buildings to the site are modern in nature, and have a neutral impact upon the character of the area. The presence of these prevent views of other, more important buildings on the site;
- However, the design of the buildings, along with the materials used should be carefully considered, and appropriate for their neighbouring heritage assets.

ADC TREE OFFICER - the Councils Tree Officer was not consulted but also did not respond to the consultation request on the previous application.

ARUN CONSERVATION AREA ADVISORY PANEL - no objection but request that existing boundary planting be retained and possibly enhanced. The Local Planning Authority must be satisfied that 6 dwellings can be accommodated without harm to existing boundary planting.

COMMENTS ON CONSULTATION RESPONSES:

ADC DRAINAGE ENGINEERS - The objection is noted but is also material that the consultation advice received to the previous application was no objection (subject to standard conditions) and stated that Engineers would normally object but do not on the basis that no objection was raised previously on BR/139/18/OUT and there has been no change in circumstances.

ARUN CONSERVATION AREA ADVISORY PANEL - The application will grant permission for up to 6 dwellings and so the impact of the layout on all aspects including landscaping can be fully explored at the reserved matters stage. Should it be considered that 6 dwellings is too much then the Local Planning Authority would be able to insist on a different layout or a smaller number of dwellings. Landscaping is a reserved matter so enhancements can be secured at that stage.

POLICY CONTEXT

Designations applicable to the Site:

Within the Built Up Area Boundary;

CIL Zone 4;

Flood Zone 3a (high risk);

Within 2km Buffer of Felpham and Bognor Regis SSSI's; and

Adjacent to Upper Bognor Road & Mead Lane Conservation Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM3	HER DM3 Conservation Areas
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TELDM1	TEL DM1 Telecommunications
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. There are no relevant Bognor Regis Neighbourhood Development Plan policies.

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 for development within the Built Up Area Boundary and would not cause demonstrable harm to the character of the area, to the adjoining Conservation Area or to highway safety. It would also not conflict with development plan policies regarding flooding.

The site adjoins a Conservation Area but section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act is only relevant to proposals which are within Conservation Areas.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE:**

The site lies within the built up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as heritage assets, flood risk & drainage, highway safety, residential amenity, biodiversity, climate change and infrastructure.

ALP policies D DM1 and D SP1 seek to ensure that new developments make an efficient use of land whilst also preserving or improving upon local character. The Arun Design Guide states that density

should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality. In general, higher densities will be appropriate in town and village centres, along strategic routes, and around key movement intersections with good access to public transport and facilities.

Layout is a reserved matter and as the applicant has agreed to a description that states "up to 6 ..", there is no need to ensure at this time that 6 dwellings can be accommodated within the site whilst meeting all other policies. Instead, these considerations will be undertaken on a future reserved matters application.

Nevertheless, the indicative layout is considered to represent an acceptable density having regard to the mix and size of dwellings shown, the presence of garages, parking & circulation areas and the large gardens. Furthermore, the houses are shown to be well away from the existing trees along the boundaries and from the watercourses along the southern and eastern boundaries.

The density of the scheme is similar to that of other properties along Hook Lane and the proposal therefore complies with policies D DM1 and D SP1 of the Arun Local Plan. Furthermore, the NPPF generally seeks to promote the effective use of all land (para 119) and gives weight to proposals that develop under-utilised land (para 120d). The site density would also accord with the advice on density in the Arun Design Guide.

HERITAGE:

The southern boundary of the site shares a border with the adjacent Conservation Area which covers most of the University of Chichester (Bognor Regis) Campus excluding the more recent University development to the east & south east of the application site. The University site also contains a number of listed buildings.

Arun Local Plan (ALP) policy HER SP1 states that development likely to prejudice heritage assets including Non-Designated Heritage Assets and their settings will be refused. Policy HER DM3 lists criteria for proposals affecting the setting of a Conservation Area and those relevant are:

- (a) New buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings; and
- (f) It does not harm important views into, out of or within the Conservation Area.

The National Planning Policy Framework (NPPF) sets out several steps that must be followed when considering impact on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 200-202).

The applicants have not provided any statement to describe the significance of the Conservation Area as per the requirements of para 194. However, the Councils Conservation Areas SPG document describes the significance as deriving from the numerous designated and non-designated heritage assets within the site area. These are either along the Upper Bognor Road frontage or centrally sited but with more modern college buildings to the north which do not complement the heritage assets.

The boundary between the site and the university campus consist of fencing and a number of attractive mature trees which are shown on the illustrative plans to be retained. The closest university buildings to

the site are modern in nature, and the Conservation Officer states that these have a neutral impact upon the character of the area. The presence of these existing buildings also prevents views of other, more important buildings within the Conservation Area. This therefore limits any harm to the older heritage assets within the Conservation Area which define its significance as a whole.

The Conservation Officer states that the proposal would not cause harm to the significance of the heritage assets/their setting and therefore it is not necessary to assess the proposal against any public benefits. Instead, it is necessary to assess the proposal against the relevant Local Plan policies.

The proposal is compliant in principle with Policy HER DM3 as it will not affect the setting of nearby heritage assets or harm important views in/out of the Conservation Area. Compliance with part (a) of policy HER DM3 will be considered at Reserved Matters stage when appearance and materials are known. There is also no conflict with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act.

FLOOD RISK & DRAINAGE:

The site lies wholly within Flood Zone 3a. ALP policy W DM2 and national flood risk policy requires that proposals in such areas meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere.

The national planning practice guidance states that residential development in Flood Zone 3a is acceptable provided that the sequential and exceptions test are met. The purpose of the sequential test is to ensure that land use planning takes due regard of flood risks and to ensure that areas at low or no risk of flooding are developed in preference to areas at higher risk. Unlike the previous application, the applicant has now provided a Sequential Test document (ST).

The ST considers sites within the BUAB of Bognor Regis (using the Councils HELAA) and identifies sites of a similar scale, in a lower flood risk designation, those not constrained by other policies and those deliverable in 1-5 years. The ST identifies some 42 sites but advises that none are sequentially preferable.

It is concluded that whilst there are available & developable sites within the area, these are either too large or too small for the developer taking into account the proposed size of the development which is below 11 dwellings (11+ would trigger additional policy requirements for specified dwelling mixes and affordable housing provision). In addition, it is concluded that a significant number of sites have been granted permission already by the Local Planning Authority or are not developable in the near term. The ST is considered to be acceptable and therefore this policy requirement has been met.

The next step is to consider the exceptions test (ET) and this requires (1) that the proposal will provide wider sustainability benefits to the community that outweigh the flood risk; and (2) that it will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall.

Regarding part (1), the submitted FRA (which unlike before is now an up-to-date document) provides a response to the ET within Appendix J. In summary, this states that:

- There are no sequentially preferable sites elsewhere in the sustainable Bognor Regis BUAB;
- The proposed housing will contribute to the Councils current Housing Land Supply (HLS) shortfall;
- The proposal is on previously developed land within the sustainable BUAB and residents will be able to access nearby facilities using means other than the private car;
- The application reduces development pressure on less sustainable greenfield sites; and

- Other than in respect of flood risk matters the site is suitable and there are no conflicts with development plan policies.

In respect of part (2) of the ET, the FRA proposes mitigation in the form of:

- Having finished floor levels at 2.69m AOD;
- The dwelling will be built on piers with flood storage (void space) underneath;
- The ground level in the northern area (approx. 25.2m²) will be lowered to approx. 1.3m AOD to increase the flood storage space;
- Backup power and clean water will be provided in each building;
- Surface water will be discharged to either the ditch on the eastern boundary or the surface water sewer at the southern site boundary; and
- Permeable paving will be applied to all road and parking areas to act as flood storage.

The applicant has also separately confirmed that the sleeping accommodation for the proposed units will be located on the first floor of the buildings or above a 'safe refuge' measure to be determined and approved by way of a condition. The Environment Agency raise no objections subject to conditions.

It is now considered that the proposal passes the Sequential and Exceptions Tests and therefore is compliant with the requirements of ALP policy W DM2 and the guidance within the NPPF

DRAINAGE:

ALP Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

ADC Engineers have assessed the proposals and have concerns with the proposal in respect of the success of flood storage measures and the potential impact on surface water flooding. However, it is material that no drainage objection was made to either of the two previous applications and that the drainage engineer also suggests conditions could be imposed. It would not be sustainable to refuse on this basis as it is clear that the previous application was not refused for this reason and any appeal defence would have to make it clear why there was a difference between two applications determined within 7 months of each other.

On this basis there is no conflict with policy W DM3 and the drainage details would be agreed through the discharge of the relevant conditions if approval is given.

ACCESS:

Access is a matter to be determined at this time. It is shown as being taken from Hook Lane in a new position created through the demolition of no. 94 Hook Lane. The gap between nos 92 and 96 is 13 metres and this allows for a 4.8m wide shared surface plus space for landscaping either side.

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

The application has been assessed by West Sussex Highways who have raised no objections to the principle of the access and in respect of the safety of its use. WSCC confirm that the shared surface arrangement is suitable to allow for two vehicles to pass one another safely and that visibility from the

point of access onto the highway can be achieved wholly within the highway boundary. The other aspects of policy T SP1 would be assessed at reserved matters stage when layout is considered. As such, there is no conflict with policy T SP1.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on interface distances between houses.

It is not appropriate to fully consider these issues at the current time as the application is in outline with only access to be approved. As such, there are no details as to lighting, new windows, building designs/heights, boundary treatments or landscaping. These matters would be considered on a reserved matters application. The site layout is indicative only and any outline permission will not be granted in accordance with the housing layout shown.

The proposed access road will align between numbers 92 and 96 Hook Lane. This will result in vehicle movements to the side and rear of existing properties where there are currently none. This will create a level of additional disturbance to these properties. However, there are only a maximum of 6 dwellings proposed, vehicle speeds will be very slow in these areas and there will be significant landscaping and space between the access road and the existing properties to allow for noise reduction. No significant impacts on residential amenity will arise as a result.

The indicative layout shows a mixture of bungalows, one and half storey dwellings and a two storey dwelling. These details are not for consideration at this time and it is noted that the EA are requesting that all sleeping accommodation is at first floor so the bungalow will not be achievable. The impact of an additional storey in this part of the site would be considered at reserved matters stage.

It is therefore considered that the proposal complies with ALP policies D DM1 & QE SP1.

BIODIVERSITY:

ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site.

The proposal will result in the development of existing residential gardens and the potential loss of some trees within the central parts of the site. The application is not accompanied by any ecological appraisal but residential gardens tend have low potential as habitat for protected species and this was not raised an issue in the determination of the previous outline applications (which were also not accompanied by a survey). In addition, the site is bordered to the south and east by built development associated with the University.

In respect of the adjoining site to the east (Chichester University), it is noted that the Councils ecologist when assessing the development proposals there requested mitigation in the form of landscaping enhancement and the use of bat friendly lighting. The most recent permission on that site (BR/311/18/PL) proposed biodiversity enhancements in the form of wildflower planting and bat/bird boxes.

A condition could therefore be imposed to request that the landscaping details required to be considered at the reserved matters stage be accompanied by details to demonstrate biodiversity net gain. As such, the requirements of the policy can be assessed at that stage and there would be no conflict with ALP

policy ENV DM5.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development including conversions and changes of use be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. The supporting Design & Access Statement is silent on this policy requirement. However, a condition can be imposed to secure details of energy efficiency measures and this will ensure compliance with the policy. A condition will also be imposed to require the provision of electric charge points at the site which will help to satisfy the requirements of ALP policy ECC SP1.

INFRASTRUCTURE:

This development will be liable for CIL but this will not be calculated until the Reserved Matters application stage when the floor areas of the houses are known. The site does not lie within the Pagham Harbour 5km zone so there is no requirement to collect any financial contribution towards these agreed mitigation measures. ALP policy TEL DM1 requires that new homes are fitted with superfast broadband and so a condition will be imposed to ensure compliance with this policy.

SUMMARY

This application seeks agreement to the principle and access arrangements of a residential development of up to 6 dwellings within the rear gardens of properties within the built up area boundary. This report concludes no harm in respect of character, residential amenity, highway safety, heritage, biodiversity, climate change, infrastructure and also now, no conflict with flood risk policy. It is therefore recommended that permission be granted with 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 permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the approved "Location Plan" no. 1 Rev A; and solely in respect of the access design, the "Feasibility Site Plan" dwg. 2.01 Rev P4.

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

- 4 The development permitted by this planning permission shall be carried out in accordance with the approved "Flood Risk Assessment and Surface Water Drainage Strategy" by WSP (ES/SB_REV3, November 2021), letter from WSP dated 18/11/2021 & letter from Counterpoint Properties Ltd dated 02/12/2021, and the specific mitigation measures detailed within the FRA:

- Finished floor levels shall be set no lower than 2.69m AOD metres above Ordnance Datum (AOD) as detailed in section 8.2.3 of the FRA;
- Sleeping accommodation for the proposed residential units shall be located on the first floor of the buildings or above a 'safe refuge' as detailed in the letter dated 02/12/2021;
- Flood plain compensatory storage shall be provided in accordance to the principles set out in section 8.2 of the FRA; and
- Each dwelling to be provided with backup power and clean water.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future users and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policy W DM2 of the Arun Local Plan.

- 5 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday). In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 6 The demolition of the existing buildings should be carried out between September and January inclusive to avoid impacting on breeding birds. If demolition during the breeding season is unavoidable, the buildings shall be first checked before work commences by a suitably qualified ecologist to identify active birds' nests. Should any nests be present, the nest and a suitable buffer around it, must be retained until it has been confirmed by an ecologist that the young have left the nest or that the nest is no longer active.

Reason: To mitigate harm to breeding bird in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 7 No development approved by this planning permission shall take place until such time as information on detailed design and maintenance regime for the proposed flood plain compensation storage and voids beneath the buildings (including size, location and appearance) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future users and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policy W DM2 of the Arun Local Plan. This is required to be a pre-commencement condition because these works will sit underneath the new buildings.

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

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

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

responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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

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

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

- 11 Full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from the construction phase of the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of construction operations at the site. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have such measures agreed before construction starts.

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

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post

demolition if necessary.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

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

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

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

- 14 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Should any air source heat pumps be proposed then technical specifications from the manufacturer should be submitted along with the proposed position of any potential heat pump to demonstrate that the sound pressure level from the heat pump will not be greater than 42dBA at the facade of the nearest noise sensitive receptor.

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. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 15 The landscape details referred to in condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with

the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 16 The reserved matters submission must include full details of measures to ensure biodiversity net gain. This should include the following:

- additional planting benefitting invertebrates and bats including both day & night flowering species;
- any trees removed should be replaced at a ratio of 2:1 with new native species;
- filling in any gaps in tree lines or hedgerows with new native species;
- enhancement of existing boundary planting;
- provision of hedgehog & bird nesting boxes; and
- provision of hedgehog holes in all new internal site boundary treatments.

Some of these measures may need to be included in the submitted landscape scheme drawings.

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

- 17 The layout, scale and appearance details referred to in condition 1 shall include a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, 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.

- 18 The appearance details referred to in condition 1 shall include a colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of visual amenity and the setting of the adjacent Conservation Area in accordance with policies D DM1 and HER DM3 of the Arun Local Plan.

- 19 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 submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. 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.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan

policy TEL SP1.

- 20 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 implemented. 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 protect the amenity of local residents in accordance with policy QE DM4 of the Arun Local Plan.

- 21 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

- 22 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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 at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

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

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

- 24 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.

- 25 INFORMATIVE: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.
- 26 INFORMATIVE: The Environment Agency strongly recommend the use of flood resistance and resilience measures. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful: Flood resilient construction of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>.
- 27 INFORMATIVE: Voids or stilts should be designed to allow the free flow of water up to and including the 1 in 100 flood event, with an allowance for climate change. Openings should be designed to be as large as feasible within the proposed development. This is to reduce the risk of the void openings becoming blocked by debris during a flood which could subsequently increase risk to third parties. It is imperative that the void space beneath the dwelling is kept free from debris throughout the lifetime of the development. This enables the voids to fulfil their flood storage role.
- 28 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:- <https://beta.southernwater.co.uk/infrastructurecharges>.
- 29 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.
- 30 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 31 INFORMATIVE: This application may be liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 32 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

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of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on (01903) 737555