

Recommendation Report for Planning Permission

REF NO: BR/86/21/PL

LOCATION: 29 Highcroft Crescent
Bognor Regis
PO22 8DH

PROPOSAL: Convert/sub-divide existing bungalow into 1 No. 3 bed bungalow and 1 No. 2 bed bungalow.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The detached bungalow consists of 5 bedrooms and would be sub-divided/converted to form a pair of semi-detached bungalows, one of which would be 3 bedrooms and one of which would be 2 bedrooms. No external alterations are proposed. There are two existing vehicular accesses off Highcroft Crescent which would be utilised. A new 1.8m high timber close board fence would be installed at the rear to separate the garden into 2 gardens. Separate refuse and recycling storage areas are to be re-established.
SITE AREA	0.06 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Increase from approx. 15 dph to 30 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear boundary has a 2m high close boarded timber fence (1.8m solid with 0.2m trellis top). The side boundary to no. 31 is a 1.8m high close boarded fence reducing to 1m in front of the building line to the application property. There is a side boundary fence between the property and no.25 of between 1.7 and 2m in height. To the front of the property and driveway there is a low-level brick wall with 2 vehicular accesses.
SITE CHARACTERISTICS	Brick and render detached bungalow with tiled dual-pitched roof. Front garden area laid to hardstanding with parking spaces, enclosed by low-level brick boundary wall and 2 vehicular accesses. Detached garage in the rear garden. The rear garden is fully enclosed and is a mix of paving slabs and areas of grass. Directly adjacent to the rear garden is the railway line.
CHARACTER OF LOCALITY	Residential estate characterised by post-war single-storey bungalows all in the same style. Sub-urban in character. To the west, the railway line runs directly along the boundary of the rear garden, and there are two-storey terraced houses beyond this.

RELEVANT SITE HISTORY

BR/194/14/PL	Conversion of two semi-detached bungalows into one detached bungalow.	ApproveConditionally 05-12-14
BR/201/20/PL	Re-establishment of dwelling to form former pair of semi-detached bungalows (resubmission following BR/139/20/PL).	Refused 21-10-20
BR/139/20/PL	Sub-division of existing bungalow to form former pair of semi-detached bungalows.	Withdrawn 20-08-20
BR/137/13/	Side and rear extension to provide enlarged hall, new bedroom and bathroom, breakfast area to existing kitchen and new conservatory.	ApproveConditionally 15-07-13

In 2014 permission was granted (BR/194/14/PL) for the amalgamation of two semi-detached bungalows into a single detached bungalow.

REPRESENTATIONS

Bognor Town Council - No objection.

No letters of objection or support were received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH:

No objection.

PRIVATE SECTOR HOUSING OFFICER:

Comments under previous application - BR/201/20/PL - Advice with regard to room sizes, fire safety, ventilation, facilities etc.

WSCC HIGHWAYS:

No objection, recommend conditions to secure car/cycle parking spaces and Electric Vehicle Charging Point (EVCP) provision.

DRAINAGE ENGINEER:

Due to location, scale and type of application no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

SOUTHERN WATER:

Would require formal application to be made to SW for connection to the public sewer network.

ENVIRONMENT AGENCY:

No comments received.

ECOLOGY ADVISOR:

Comments under previous application - BR/201/20/PL - Any lighting scheme will need to be designed to protect bats, any works to trees or vegetation clearance on site should only be undertaken outside of wild bird nesting season or if within season checked by a qualified ecologist, bat and bird boxes are required.

NETWORK RAIL:

No objection to proposals. Given proximity to NW land and operational railway, advise standard NW asset protection informatives should be added to ensure continued safe operation of the railway.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary

Bognor Regis Neighbourhood Plan Area

CIL Zone 4

Flood Zone 2

Minerals Consultation Area

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
HSP1	HSP1 Housing allocation the housing requirement
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
WMDM1	WM DM1 Waste Management
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk

WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The policies contained within the Bognor Regis Neighbourhood Plan are of consideration in the determination of this planning application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in the following respects; the application site is in the Built-Up Area Boundary where the principle of development is considered acceptable in accordance with Arun Local Plan (ALP) policy SP SD2, the proposal would result in a net gain in 1 dwelling which would be supported by ALP housing supply policy H SP1, and the proposals would have an acceptable impact on visual and residential amenity in accordance with ALP policies D SP1, D DM1 and QE SP1, quality of accommodation for future occupants in accordance with ALP policy D DM2, waste provision in accordance with ALP policy WM DM1, highways and parking in accordance with ALP policies T SP1 and T DM1, and trees and ecology in accordance with ALP policies ENV DM4 and ENV DM5.

The proposal is considered to be contrary to the NPPF and the Development Plan, Arun Local Plan policy W DM2, in that the LPA considers it likely there are alternative reasonably available sites for this type of development at a lower risk of flooding and so in that case the Sequential Test is not passed and the NPPF and policy W DM2 state development should not be permitted.

Notwithstanding this, in accordance with S38 of the Act set out above, the LPA considers in this instance there are 'material considerations' (in the form of the proposal being for a re-conversion back to 2 units,

that the overall number of occupants on the site and therefore flood risk is unlikely to increase, and that no external alterations/extensions are proposed etc.) and that these material considerations indicate a determination should be made otherwise than in accordance with the Development Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

These other material considerations are as follows:

- Previous use of the property (prior to permission in 2014 to amalgamate 2 to form 1 dwelling) as 2 separate dwellings.
- Proposals to sub-divide into 2 separate dwellings unlikely to result in a material increase in occupants at the site, so no increased pressure in flood rescue event.
- No external alterations or extensions proposed which could increase flood risk or prompt the need for increased flood resilience measures.

CONSIDERATION OF ALTERNATIVE SITES

A Sequential Test has been undertaken and provided by the applicant which considers if there are any alternative reasonably available sites for the same type of development proposed that would have a lower risk of flooding. This report concludes there are no other alternative sites. The LPA considers it likely there are other alternative sites. However, notwithstanding this, the LPA concludes that, due to 'other material considerations' that weigh in the schemes favour, the application should be granted planning permission.

CONCLUSIONS

PRINCIPLE & HOUSING SUPPLY:

The site is in the Built-Up Area Boundary where new development should be focussed and where it is acceptable in principle in this location, in accordance with policy SD SP2 of the Arun Local Plan (ALP). The sub-division would result in the net increase in 1 dwelling, which would contribute towards the Districts housing supply, in accordance with policy H SP1 of the ALP.

VISUAL AMENITY:

The sub-division of the single bungalow and plot would re-establish the former pair of semi-detached bungalows which better reflects plot sizes and the pattern of development in Highcroft Crescent, which is characterised by semi-detached bungalows. No external alterations to the building are proposed so there would be no impact on the street scene in this regard.

A 1.8m high timber close board fence is proposed to be installed at the rear to separate the garden into 2 rear gardens. This would have no impact on the street scene, would reflect other boundary treatments in the area, and in any event would be permitted under Permitted Development Rights and not require permission. Planters are proposed at the front to separate the front driveway into 2 driveways for the 2 properties. Any boundary treatment in the front driveway/garden area (including to separate the two front gardens) would need to be no more than 1m in height since it is adjacent to the footway/highway, in order to benefit from PD rights and have an acceptable visual impact on the street scene. The site plan indicating boundary treatments will form part of the list of approved plans and an informative will be

added accordingly to confirm these boundary treatment height restrictions.

The proposals would have an acceptable impact on the character and visual amenity of the area, in accordance with the NPPF and policies D SP1 and D DM1 of the ALP.

RESIDENTIAL AMENITY:

The sub-division of the property into two dwellings results in a net increase in 1 dwelling but it is not anticipated that this would cause a significant increase in general noise and disturbance from increased activity at the additional dwelling. The residential use is compatible with the area.

There are no external alterations or extensions to the building so there would be no impact on the outlook, light or privacy levels of adjacent neighbours.

The proposals would have an acceptable impact on the residential amenity of neighbouring occupants in accordance with the NPPF and policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

The 2 bed bungalow has a Gross Internal Area (GIA) of approximately 63sqm. The national internal space standards (set out in the 'Technical Housing Standards - Nationally Described Space Standards') require that a 1 storey 2B4P home have a minimum GIA of 70sqm. The plans show a 2B4P home i.e. with 2 x double bedrooms shown. The 2 bed dwelling falls short of the national internal space standards by around 7sqm. Given it did before it was converted in 2014 to a single dwelling and given it does as an existing dwelling, this shortfall is considered acceptable in this case. The 3 bed bungalow has a GIA of approximately 103sqm. The national internal space standards for a 1 storey 3B home are between 74-95sqm. As such, the 3 bed dwelling would exceed the national internal space standards.

Each property benefits from a private rear garden, which would be of an adequate size and shape to be usable and enjoyable for future occupants of the dwellings, in accordance with the guidance set out under Section H.04 of the ADC Design SPD.

The proposal provides the dwellings with adequate internal space and external amenity space, as required by ALP policy D DM2, the Technical Housing Standards - Nationally Described Space Standard and the adopted ADC Design SPD.

WASTE PROVISION:

Provision will need to be made for a 240l refuse bin and 240l recycling bin within the curtilage of each property, and should allow for kerbside collection by municipal refuse vehicles on Highcroft Crescent.

This is an existing property and the general waste storage and collection arrangements (wheelie bins stored to the front/side of the property and collected from Highcroft Crescent) are likely to remain largely unchanged, apart from the re-establishment of separate waste storage to serve the 2 dwellings.

A planning condition is recommended to be added to secure the provision of waste storage/kerbside collection for each property, in accordance with policy WM DM1 of the ALP.

HIGHWAYS & PARKING:

There are two existing vehicular accesses off Highcroft Crescent to the site which would be utilised to serve the dwellings. The Local Highways Authority (WSCC) raised no objection in this respect. They

confirm there are no apparent visibility issues at the access points, no evidence to suggest the existing accesses are operating unsafely or that the 1 net dwelling would exacerbate an existing highways safety concern. They conclude on-site turning does not appear achievable so vehicles may have to exit the site in a reverse gear, however, this is the existing arrangement, which has operated with no known highway safety issues.

The application proposes to utilise the existing driveway for vehicular parking. ADC Parking Standards SPD require a minimum of 1 on-site car parking space to serve a 2 bed dwelling and 2 on-site car parking spaces to serve a 3 bed dwelling in this type of location (Parking Behaviour Zone 4) so a total of 3 spaces on site is required. WSCC have confirmed an inspection of the plans shows there appears to be sufficient space in the driveway for 3 car parking spaces to be accommodated. Electric Vehicle Charging Point provision will also be required for 100% of the parking spaces.

The submission initially demonstrated no cycle parking provision. The inclusion of secure and covered cycle parking provision helps promote use of sustainable alternative modes of transport to the private car, improving health/wellbeing and air quality. Cycling is a viable option and the LHA state they would like to see cycle parking being included in accordance with WSCC and Arun Parking Standards. The ADC Parking SPD requires provision of a minimum 1 on-site cycle parking space for the 2 bed dwelling and 2 cycle parking spaces for the 3 bed dwelling.

A parking site plan has been provided showing front driveways and garage providing the necessary car parking spaces, and the existing garage would provide undercover/secure cycle parking to serve the occupants of the 2 bed dwelling (formerly no. 27), and that a cycle store with 2 spaces would be provided in the rear garden to serve the 3 bed dwelling. The site plan also shows EVCP provision for all 3 vehicle parking spaces.

Subject to conditions to secure the car/cycle parking spaces and Electric Vehicle Charging Point (EVCP) provision in accordance with the parking site plan, the proposals would have an acceptable impact on highways and parking and accord with the NPPF, policies T SP1 and T DM1 of the ALP and the Arun Parking SPD.

FLOODING & DRAINAGE:

The site is located within Flood Zone 2 (medium risk of flooding). For sites in Flood Zone 2 and 3, the NPPF and ALP policy W DM2 require that a Sequential Test must be undertaken to assess if there are other alternative reasonably available sites for the same development as proposed at a lower risk of flooding. The aim is to steer new development to areas at lowest risk of flooding. If an ST concludes there are alternative reasonably available sites for the same development being proposed in an area of lower flood risk then the NPPF states that the development proposed should not be permitted. If the ST concludes there are not any alternative sites then the NPPF requires that the Exception Test be undertaken for certain types of vulnerable development (including residential development) and for the ET (para 160) to be passed it must be demonstrated that

- a) development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible will reduce flood risks overall

The NPPG details that there are exceptions for the requirement for a Sequential Test, one of them being if the proposal is for 'minor development', which includes:

- householder development: For example; sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes

any proposed development that would create a separate dwelling within the curtilage of the existing dwelling eg subdivision of houses into flats."

Given the development would create a separate new dwelling in the curtilage of an existing dwelling i.e. is a subdivision, the need for the Sequential Test would apply.

The applicants submitted a Sequential Test with the application. This concludes that the report demonstrates that 'there are no sequentially preferable sites which are reasonably available, therefore, the Sequential Test has been passed'. It also makes a number of other points with regard to mitigating factors including; that the site is on the edge of Flood Zone 1 and 2, the property was formerly 2 separate dwellings, no external alterations or increases in floor area/impermeable areas are proposed, and there would be no overall increase in the number of occupants residing at the site and thus no increase in flood vulnerability as a result of the proposals.

If the results of the ST submitted were to be accepted, which concludes there are no alternative sites, then consequentially the Exception Test would need to be considered. The ST submitted concludes that the application of the ET is not required in this case. The LPA agrees with this conclusion that the ET does not apply, since the proposed development would be located in FZ2 and 'dwellings' is classified in the NPPG as 'more vulnerable' so the ET would not apply or need to be passed and development would be permissible.

The LPA consider that the results of the ST submitted may not be accurate and do not necessarily accept that there are no alternative sites as it concludes; the LPA considers it likely there are in fact alternative reasonably available sites with a lower flood risk which exist within 2km of the application site on which the proposed development, i.e. creation of a new dwelling (either through sub-division or infill development), could be achieved. As such, if this were the case, then the NPPF states that development should not be permitted if there are reasonably available sites (para 158).

Notwithstanding this, 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."

In this particular case, the LPA concludes that there are other material considerations which indicate a determination being made otherwise than in accordance with the Development Plan, as follows:

- Previous use of the application property (prior to planning permission in 2014 to amalgamate 2 to form 1 dwelling) as 2 separate dwellings.
- Proposals to sub-divide into 2 separate dwellings unlikely to result in a material increase in occupants at the application site overall, so no increased pressure in flood rescue event nor increased vulnerability to flood risks.
- No external alterations or extensions proposed which could increase flood risk or prompt the need for increased flood resilience measures.

The proposals are therefore, on balance, acceptable in this location from a flood risk perspective.

In accordance with the requirements of the NPPF, a Flood Risk Assessment is required for development on sites within Flood Zones 2 and 3. The application is accompanied by a FRA. This concludes that due to the nature of development, that there would be no increase in built footprint, there is no increase to flood risk to the properties nor elsewhere. The LPA agrees with this assessment and the proposals comply with policy W DM2 and the NPPF in this regard.

Surface water drainage currently occurs through existing soakaways i.e. soft landscaping/grassy areas. Given the nature of the proposals and that no additional hard standing appears to be proposed, surface water flow would not be increased and the existing drainage arrangements would prevail. The Council's Drainage Engineer has confirmed that given the location, scale and nature of the proposals they have no drainage conditions to request. They have identified that any alterations to the surface water drainage would need to be designed and constructed in accordance with Building Regulations, and an informative will be added accordingly.

With regard to sewage drainage, Southern Water have confirm that the developer would need to make an application to SW to connect to the public sewer network. An informative will be added accordingly.

The proposals would not increase flood risk on site or elsewhere and would have acceptable drainage, broadly in accordance with the objectives of the NPPF and ALP Policies W DM2 and W DM3. Although it remains unclear whether the Sequential Test, which is required by the NPPF and ALP policy W DM2, has been passed, the proposed development in this higher flood risk area (FZ2) is acceptable, on balance, given a number of other material considerations which weigh in its favour.

TREES:

The only part of the proposal that has the potential to affect ground conditions and trees is the installation of a new timber close board fence at the rear to separate the garden into 2 rear gardens. However, there are no trees in very close proximity to the proposed location of the separating boundary and the type of footings required for fencing would be unlikely to significantly disrupt tree roots. As such, the proposals are likely to have an acceptable impact on trees, in accordance with ALP policy ENV DM4. In any event, the erection of a fence up to 2m at the rear would be permitted under Permitted Development Rights and not require planning permission, so impact on trees would be given very limited weight in the determination of this application due to the PD rights afforded.

ECOLOGY:

Given the nature of the proposals, to sub-divide an existing building that is already in use, and for no external alterations, it is concluded that the proposals would be unlikely to have any impact on ecology and protected species, in accordance with ALP policy ENV DM5. The Council's Ecology Advisor advised under BR/201/20/PL that any external lighting scheme would need to be designed to protect bats and that any works to trees or vegetation clearance on site should only be undertaken outside of wild bird nesting season or if within season checked by a qualified ecologist. Conditions will be added accordingly.

The Environment Bill and ALP policy ENV DM5 requires all development to provide a net gain in biodiversity. The Council's Ecology Advisor advised under BR/201/20/PL that bat and bird boxes should be provided. The applicant submitted a Biodiversity Enhancement Plan which includes biodiversity enhancement measures including bird nesting boxes, a pond, a wildflower area, and a hedgehog box. A condition will be added requiring these measures to be undertaken in addition to a bat box being provided also as requested by the Council's Ecologist.

SUMMARY:

The proposal is considered to comply with relevant Development Plan policies in the following respects; the application site is in the Built-Up Area Boundary where the principle of development is considered acceptable in accordance with Arun Local Plan (ALP) policy SP SD2, the proposal would result in a net gain in 1 dwelling which would be supported by ALP housing supply policy H SP1, and the proposals would have an acceptable impact on visual and residential amenity in accordance with ALP policies D

SP1, D DM1 and QE SP1, quality of accommodation for future occupants in accordance with ALP policy D DM2, waste provision in accordance with ALP policy WM DM1, highways and parking in accordance with ALP policies T SP1 and T DM1, and trees and ecology in accordance with ALP policies ENV DM4 and ENV DM5.

However, the proposal is considered to be contrary to the NPPF and the Development Plan, Arun Local Plan policy W DM2, in that the LPA considers it likely there are alternative reasonably available sites for this type of development at a lower risk of flooding and so in that case the Sequential Test is not passed and the NPPF and policy W DM2 state development should not be permitted.

Notwithstanding this, in accordance with S38 of the Act set out above, the LPA considers in this instance there are other 'material considerations' (in the form of the proposal being for a re-conversion back to 2 units, that the overall number of occupants on the site and therefore flood risk is unlikely to increase, and that no external alterations/extensions are proposed etc.) and that these material considerations indicate a determination should be made otherwise than in accordance with the Development Plan. As such, on balance, the proposals is considered acceptable in flood risk terms.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

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:
- Proposed & Existing Elevations Sheet 2 of 3 (received 26/03/2021)
 - Proposed Floor Plan Sheet 1 of 3 (received 26/03/2021)
 - Site Parking Plan and Boundary Treatments (Drawing no. D1917-PL-001)
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1 and D DM1 of the Arun Local Plan.
- 3 Prior to first occupation of the dwellings, adequate refuse and recycling provision (in the form of 1 x 240l refuse bin and 1 x 240l recycling bin per property) shall be made for each dwelling and thereafter retained in perpetuity. Bins shall be stored to the front/side of the properties and allow for kerbside collection by municipal refuse vehicles from Highcroft Crescent.
- Reason: To ensure adequate waste provision for the occupants of the dwellings and allow for kerbside collection, in accordance with policy WM DM1 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until the car parking, undercover/secure cycle parking and electric vehicle charging points/spaces have been constructed/provided in accordance with the approved parking plan (Site Parking Plan and Boundary Treatments (Drawing no. D1917-PL-001)). These spaces and EVCPs shall thereafter be retained at all times for their designated purpose.
- Reason: To provide car parking space for the use and to provide alternative sustainable travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan and the Arun Parking SPD.
- 5 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type, mounting height, aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
- Reason: To ensure protected species such as bats are protected from light pollution in accordance with policy ENV DM5 of Arun Local Plan.
- 6 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.
- 7 No part of the development shall be first occupied until the biodiversity enhancements set out in the Biodiversity Enhancement Plan submitted have been implemented and shall include:

- A pond
- 2 x wildflower areas (1 per dwelling)
- 2 x bird nesting boxes (1 per dwelling)
- Hedgehog nesting box
- Insect house
- 2 x Bat boxes (1 per dwelling)

These measures shall remain on site in perpetuity.

Reason: To enhance biodiversity and result in Biodiversity Net Gain in accordance with the Environment Bill, National Planning Policy Framework and policy ENV DM5 of the Arun Local Plan.

- 8 INFORMATIVE: The applicant is advised that in order to benefit from Permitted Development rights, no boundary treatment adjacent to the highway must exceed a height of 1 metre and elsewhere must not exceed a height of 2 metres. In the event that a proposed boundary treatment would exceed these height restrictions, then planning permission would be required.
- 9 INFORMATIVE: Any alterations to the surface water drainage would need to be designed and constructed in accordance with Building Regulations.
- 10 INFORMATIVE: Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
- 11 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 12 INFORMATIVE: The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a l l possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land.
- 13 INFORMATIVE: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of

falling within 3.0m of the boundary with Network Rail.

- 14 **INFORMATIVE:** Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
- 15 **INFORMATIVE:** Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
- 16 **INFORMATIVE:** Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
- 17 **INFORMATIVE:** In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
- 18 **INFORMATIVE:** Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
- 19 **INFORMATIVE:** The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
- 20 **INFORMATIVE:** Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

- 21 **INFORMATIVE:** Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.
- 22 **INFORMATIVE:** The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.
- 23 **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.