

REPORT UPDATE

Application No: FP/171/18/PL

Reason for the Update / Changes

REASON FOR UPDATE/CHANGES:

A letter has been received from the chairman of Felpham Parish Council asking for clarification on the following matters:

(1) There is reference to the 3m strip around the site being kept clear in relation to access for Riparian purposes. Will this land be owned by Worthing Homes and therefore they will have full responsibility for this upkeep?

(2) If the land is still owned by Worthing Homes would they be expected to put in place a routine maintenance plan to ensure the waterways are kept clear?

(3) If the land is not owned by Worthing Homes who does own it?

(4) Will the part owners of any property backing on to the said drainage areas have any Riparian responsibilities given that initially they may only own a minority stake in the property?

(5) If, after a period of time, the houses are not sold and therefore become rented properties does the Riparian responsibility rest wholly with the property owner, i.e Worthing Homes?

In addition an objection has been received from a local resident who has objected previously and has reviewed the Committee Report. His new comments are as follows:

(1) There is a requirement in the ecology assessment to have a 5 metre buffer strip on the N/S/W boundaries of the site. This has not been met and will affect future wildlife in the area;

(2) Have developers taken into account that initial tree cutting/clearance cannot take place in the bird nesting season (March to August);

(3) The rising of ground levels will result in more overlooking of properties on Weller/Bridger Close

(4) The existing footpath/cycle path will also need to be raised by where it crosses the access road. Who will be responsible for the work being done to maintain the safety of children/cyclists

(5) WSCC state that the site is 'at high risk from ground water flooding' and also that 'existing surface water flow paths across site must be maintained' and so 'wholesale site level rise should be avoided'. How will this be dealt with?

(6) Serious drainage issues with rear gardens on houses next to Weller Close and to Weller Close itself

(7) Is the golf club aware that all surface water runoff from SUDS on site will be routed along the culvert/drain next to their land. Who will pay for any upgrades?

(8) The density is supposedly 36dph but based on useable land is nearer to 50dph - not in keeping or

character with all surrounding houses which are 22-24dph according to report.

(9) The less attractive and more closely packed housing proposed will be in plain sight for residents in Weller/Bridger Close.

(10) The access road to site will be the third road to cross the footpath/cycle track in the space of 200 yards. This increases safety risk to pedestrians;

(11) Harm to safety of Stanhorn Grove highway;

OFFICERS COMMENT:

In response to the questions by the chairman of Felpham Parish Council, the applicant has responded to state that:

(1) This land is unregistered but under the open water consent issued by West Sussex County Council, Worthing Homes will maintain the whole ditch;

(2) Worthing Homes will maintain the whole ditch and a maintenance regime has been submitted during the planning process;

(3) The land is unregistered;

(4) Worthing Homes will be responsible for maintaining the ditch; and

(5) As above.

Members should also note that condition 10 requires the approval of arrangements for the future access & maintenance of the watercourses/culverts surrounding the site.

In response to the additional objection letter, the following comments are offered:

(1) The ecological report states that a 5m buffer is proposed to the northern and western boundaries. The officer report refers to the buffer being only 2.5-3m however, it is considered that this may be as a result of the thickness of the red edge on the drawing which prevented the officer measurement from being accurate. Members should also note that condition 4 requires that the scheme be carried out in strict accordance with the recommendations and mitigation measures as set out within Section 6.0 of the submitted Ecological Assessment dated 04/09/18.

(2) Condition 23 states that no trees containing birds eggs can be removed between 1st March and 31st August inclusive. Where nests are discovered, the vegetation must remain in place until nesting activity has ended naturally and an ecologist has confirmed that it is safe to proceed.

(3) The submitted levels drawing and indicative site section demonstrate that although the land will be raised, the houses will be on broadly the same level as Wellers and Bridger Close. This is because the two existing sites were raised at the time they were built.

(4) This will need to be agreed with the owner of the verge area to the front.

(5) Please refer to the comments of our own drainage engineers who raise no objections to the proposals.

(6) This is noted but this application has been comprehensively assessed by the Councils drainage engineers who do not consider there to be any risk of surface water flooding to neighbouring land.

(7) A site notice was posted close to the Golf Club entrance to inform them of the proposal. The Council's drainage engineers who do not consider there to be any risk of surface water flooding to neighbouring land.

(8) The density is presented by the report to be 36dph. The Council does not use the usable land density calculation. The density of the proposal is considered within the report.

(9) This is accepted. However, it is clear that there is other terraced type development elsewhere within the Felpham SITE6 development.

(10) & (11) Please note that WSCC Highways raise no objection to the application and have given a proper and thorough consideration of highway safety issues.

SUMMARY:

There are no changes to the report or the recommendation.

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

Recommendation Report for Planning Permission

REF NO: FP/171/18/PL

LOCATION: Land at Stanhorn Grove
Felpham

PROPOSAL: Erection of 18 No. dwellings, creation of new access, landscaping & associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to develop the site with 18 dwellings, all to be intermediate tenure in the form of shared ownership properties. There will be two, 1 bedroom flats, seven, 2 bedroom houses and nine, 3 bedroom houses. All buildings will be two storeys and there will be a mix of detached, semi-detached and terraced building types. The flatted building is one half of a semi-detached. Access will be taken from Stanhorn Grove. Parking is provided in the ratio of 2 spaces per dwelling, 1 space per flat and 5 visitor spaces.

The layout also shows a 2.5-3m buffer strip down the rear and part north eastern side of the development. The scheme also includes provision for bin storage points, bin collection points and cycle storage sheds. Boundary treatments will consist of either 1.8m high timber fencing or 1.8m high part brick walls with piers and timber infill panels with the latter particularly to the Stanhorn Grove frontage.

It is proposed to raise the land across the site with finished floor levels to be between approximately 0.6 and 1m higher than the existing ground levels. This is shown on the indicative site section and also the levels drawing.

SITE AREA

Approximately 0.49 hectares in size.

RESIDENTIAL DEVELOPMENT DENSITY 36.7 dwellings per hectares.

TOPOGRAPHY

Predominantly flat but the site slopes down approx. 1m into a ditch on the north eastern side between the site and Bridger Close. The level of Bridger Close is then between 1 and 1.5m higher than the level of the application site. The land also slopes away from Stanhorn Grove, losing approximately 30-40 cms between the Stanhorn Grove and Golf course boundaries.

TREES

A number of small scrubby trees within the site with larger more important trees along the rear boundary and also beyond the front & north eastern side boundaries. The trees to the rear are a group comprising of Cypress, Field Maple and Hazel. There is an Ash tree in the northern corner and then two Common Oaks on the other side of the ditch on the north eastern side. Those to the front are predominantly Common Oak but also with some Hawthorn. TPO/FP/1/07 covers all of the trees on the frontage, to the rear boundary and and on the north eastern side.

BOUNDARY TREATMENT

- 1.8m high timber fencing to the rears of dwellings on Weller Close;
- Predominantly 1.8m high timber fencing to the rears of dwellings on Bridger Close (one small section of 2.5m timber fencing); and
- 1.8m high wire mesh fencing to the rear boundary with trees beyond.

SITE CHARACTERISTICS

Roughly rectangular parcel of vacant overgrown land situated between Bridger Close to the north east and Wellers Close to the south west. The site fronts onto Stanhorn Grove but is set back from the road with a pedestrian footpath and grassed, planted verge area between the site and the road. It is noted that there is unrestricted on-street parking available on Stanhorn Grove.

CHARACTER OF LOCALITY

The site forms part of the new build former SITE6 allocation. It is bordered to the north east, south west and east by existing modern residential development consisting of red or orange brick two storey detached houses. Nearby properties are predominantly 3 or 4 bedroom dwellings and set within small to medium plots set back from the highway with gardens to front and rear. To the north west lies the Bognor Regis Golf Course.

The dwellings on Wellers Close that back onto the site have a mix of first floor rear and flank windows which look out across

the site. Those dwellings on Bridger Close can view the site from both their ground and first floor rear windows (due to the higher elevation).

RELEVANT SITE HISTORY

FP/92/04/	Outline Application for residential development and associated uses forming part of policy site 6. Construction of the Bognor Regis Northern Relief Road from A259 at Felpham to A29 (This application is accompanied by an environmental statement and affects a public right of way)	Called In by DCLG/SD 30-11-04
		Appeal: Allowed+Conditions 22-11-06

Pre-application advice was given in February 2018 for 19 dwellings and 2 flats at which time it was concluded that were an application for planning permission to be submitted it would be likely to be recommended for refusal for the following reasons:

- (1) The proposed development by virtue of its density and layout would have an adverse impact upon the established character of the locality;
- (2) The proposed layout of the development fails to provide adequate open space provision; and
- (3) The proposed layout by virtue of its proximity to the watercourses located on the northern and western boundaries of the site fails to provide adequate access for maintenance.

The application submission has evolved from that scheme and therefore must be considered afresh.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council

"No objection - although with concerns and considerations. On a vote of 6 for (with considerations) and 2 against it was decided this to be approved - subject to concerns and conditions regarding utilities resilience - FPC would need to see supporting statements that ALL utilities are resilient."

The Parish Council subsequently provided the following further explanation:

"Drainage in regards to the topography of the land and different heights. With the tree removal the concerns on drainage. The concerns that it was stated that the mains drains had overflowed causing the use of lorry tanks to help remove excess. Water pressure around the estate was considered low at peak times."

LOCAL RESIDENTS:

49 letters of objection and 1 letter of no objection/comment. Concerns as follows:

- (1) Inadequate parking leading to parking on Stanhorn Grove;
- (2) Highway safety issues on Stanhorn Grove;

- (3) Flooding of local roads due to overspill parking;
- (4) Need improvements to Stanhorn Grove including mini roundabouts & speed humps;
- (5) Harm to users of the footpath;
- (6) Already access to the site from Bridger Close;
- (7) Surroundings roads not adopted - understood to be deemed unsafe;
- (8) Nearest bus stop is 15 minutes away;
- (9) Developers were told at pre-app that no need to provide extra parking;
- (10) Application form does not actually propose a new access;
- (11) Loss of open space;
- (12) Loss of wildlife haven which is frequented by deer, bats, birds of prey, hedgehogs, badgers, rabbits;
- (13) Submitted Biodiversity checklist is incorrect;
- (14) Ecologist requests a Water Vole survey - this must be addressed;
- (15) Flaws with ecological appraisal;
- (16) Ecology report talks about a 5m wide buffer strip - where is this?;
- (17) Ditch on one boundary is often full and there is surface water on the site in winter;
- (18) Drainage system does not seem to support 18 dwellings;
- (19) Inadequate foul sewer system - tankers were required in December 2017;
- (20) Necessary to build site levels up by 1m to overcome high water table issues;
- (21) Drainage Engineers object to the proposal - these issues must be addressed;
- (22) Harm to local character from introduction of affordable dwellings;
- (23) Harm to local character from introduction of high density development;
- (24) No other terraced or flatted dwellings in SITE6;
- (25) Harm to TPO trees from route of proposed access;
- (26) Loss of privacy & outlook for neighbouring dwellings;
- (27) Shading of neighbouring dwellings and gardens;
- (28) Noise from use of path to rear of no. 5;
- (29) Additional car noise and car pollution;
- (30) Street lights proposed despite none included on Wellers Close (light pollution);
- (31) New houses will be overbearing;
- (32) Loss of views from Stanhorn Grove;
- (33) No positive impact on the area;
- (34) Increase in crime in the area as a result of existing social housing;
- (35) Building sites attract crime;
- (36) Who pays for any damage to the local roads from builders vehicles?;
- (37) Current owners are bound by estate controls and covenants but no assurances have been made by developers that these 18 houses will be subject to the same;
- (38) Not clear if the land owners have the requisite land titles to the satisfaction of the Land Registry;
- (39) Necessary to get agreement from Kingsoak Homes Ltd or Greenbelt Group Ltd to make changes to the amenity areas - please provide evidence that this has been done;
- (40) This land can only be developed because David Wilson Homes made an error and developed on part of it such that the owner agreed to sell the necessary strip of land to DWH provided that access could be taken from Stanhorn Grove;
- (41) Why did Barrett David Wilson Homes not buy the site or build on it? Perhaps because of flooding issues;
- (42) No right to attach new fencing to existing boundary fences;
- (43) Neighbours bought homes on the assurance that land would not be built on;
- (44) 10 homes would be better;
- (45) SITE6 is already overdeveloped;
- (46) Already sufficient affordable homes within SITE6;
- (47) This is a done deal;
- (48) No planning notices were erected until a neighbour contacted the planners;
- (49) Felpham PC voted in favour without speaking to the public;

- (50) An article in the local media included incorrect quotes & statements by the applicant;
- (51) Will the development provide replacement green space elsewhere?;
- (52) Confusion over plot size (0.03 hectares on the form vs 0.49 in the planning statement vs 0.4 hectares in the ecology report) - therefore, what is the correct site density?;
- (53) The original decision under FP/92/04 condition 3 states no more than 700 dwellings (plus 10%) with a DPH not exceeding 35. This proposal contravenes this condition;
- (54) This proposal is not required as Arun is on track to achieve its 5 year housing land supply targets;
- (55) Not fair on low income owners etc to have such small houses;
- (56) Development of this site will prevent a future link to the golf course if that is developed;
- (57) No meaningful consultation by Worthing Homes with local residents;
- (58) If the affordable housing is not sold, will it become social or key worker housing?;
- (59) Inadequate local infrastructure including schools, shops, doctors, buses, police force; and
- (60) What financial contributions will this proposal generate?

COMMENTS ON REPRESENTATIONS RECEIVED:

FELPHAM PARISH COUNCIL:

In respect of the Parish Council comments, members should note that there are no objections to the scheme from either ADC's Drainage Engineers, WSCC's Drainage Engineers or Southern Water. Furthermore, the site is not at risk from either river or surface water flooding. The only risk of flooding is from groundwater sources.

The applicant provided a letter to the Parish Council dated 02/10/18 to address their concerns. This stated that:

- The Council drainage engineer has agreed the principle of the drainage design;
- Tree removal does not affect the proposed drainage scheme;
- Currently the application site has uncontrolled surface water run off;
- The drainage proposal for the site will collect the surface water and control the rate of discharge away from neighbouring properties, thereby significantly receding flood risk to nearby properties;
- Water pressure is an issue for the water company and is not an issue that can be taken into account during the determination of this planning application;
- The addition of the proposed 18 units will have a negligible impact on water pressure;
- It is also not uncommon to find low water pressure at peak times of the day which are an industry wide accepted occurrence; and
- Any overflow of mains drainage would be an issue to be dealt with under the Water Act (section 106) though a formal application to connect to the sewer. It is not a matter to be determined by the Planning Act.

LOCAL RESIDENTS:

The following comments are offered in response to the local resident objections:

- (1) Parking will be discussed in the report's conclusions section;
- (2) Highway safety will be discussed in the report's conclusions section;
- (3) It is unclear as to how flooding will occur due to cars parked on the highway;
- (4) Noted. However WSCC Highways do not request any off-site highway works;
- (5) Highway safety will be discussed in the report's conclusions section;
- (6) The access in question is an existing dead end and although technically it could be extended over the ditch into the site, it is suggested that the practicalities of this mean that it is preferable to create a new access straight from Stanhorn Grove;

- (7) It is not known why the surrounding estate roads are not yet adopted but as WSCXC Highways were involved with the design of the road system, it is unlikely that the roads are not being adopted because they are unsafe;
- (8) The nearest bus stop is on Wroxham Way to the south west and is a walk of around 500m from the site's frontage;
- (9) It is unclear where this suggestion has come from. The pre-application advice did not suggest that parking be reduced and it is also noted from the submitted Design & Access Statement that stage 5 of the design process actually increased the parking allocation to accord with West Sussex standards;
- (10) Although it is accepted that the yes box has not been ticked at question 6 of the application to say that a new access is proposed, question 3 (Description of the Proposal) does make it clear that a new access is proposed;
- (11) Although the site is technically open space, it only has marginal recreation value due to its overgrown state;
- (12) Wildlife issues will be discussed in the report's conclusions section;
- (13) Noted but no details given as to why it is incorrect;
- (14) A Water Vole survey has been submitted and the ecologist objection has therefore been withdrawn;
- (15) Noted but the Council's ecologist raises no objections;
- (16) A 2.5-3m buffer strip is shown within the layout along the rear and part north eastern side of the development;
- (17) - (18) Surface Water Drainage issues will be discussed in the report's conclusions section;
- (19) Foul Water Drainage issues will be discussed in the report's conclusions section;
- (20) Noted. This is not materially different to adjacent land;
- (21) The Drainage Engineer concerns have now been withdrawn;
- (22) - (24) Character will be discussed in the report's conclusions section;
- (25) Impacts on trees will be considered in the report's conclusions section;
- (26) - (29) Residential amenity issues including noise will be considered in the report's conclusions section;
- (30) A condition will be imposed should the application be granted to control future lighting is particularly to protect local bat populations;
- (31) Residential amenity issues including noise will be considered in the report's conclusions section;
- (32) There is no right in planning law to a view;
- (33) Noted;
- (34) - (35) Noted however regard should be had to the response of Sussex Police who do not raise these matters as issues and do not raise any objection to the proposal;
- (36) This would be a civil matter and legal advice should be sought if damage did occur;
- (37) Covenants exist outside of the planning system. Certain conditions will be imposed on any planning approval and these may restrict what future homeowners are allowed to do;
- (38) The application form states that the applicant has served notice on the owner of the site and there is no grounds to dispute that this person is the land owner;
- (39) The applicant may need to obtain agreement with management companies but this is not a planning consideration and if necessary, would need to be done after a planning permission had been granted;
- (40) Noted;
- (41) Noted - the view expressed is not based on any actual evidence;
- (42) This would be a civil matter and not to be considered as part of the planning permission;
- (43) Noted;
- (44) Noted;
- (45) Noted however, the fact remains that there is this vacant parcel of land;
- (46) The relevant affordable housing policy in the Local Plan does not seek to prevent any affordable housing from being granted in the Felpham area;
- (47) Noted;
- (48) The planning notices were posted late but this was not because the planning authority forgot to do them - rather because the officer had other commitments that meant it was not possible to post them in

the week previous;

(49) Noted;

(50) Noted;

(51) No but a contribution of £28,800 will be provided to pay for enhancements to a nearby play area on Stanhorn Grove;

(52) It is accepted that there are difference in the size of the site as given in the application form.

However, the case officer has measured from the submitted red edge plan and this suggests that the area is in the region of 0.48 hectares. Therefore, it is safe to assume that the 0.49 figure (as per the planning statement) is correct and this gives a density of 36dph;

(53) It is noted that one of the objection letters refers to there already being 822 residences within the SITE6 development. Therefore the 700 maximum (770 including the plus 10%) has already been exceeded. The proposed dph is 36 and although this does exceed the stated maximum of 35, the increase is not considered to materially different and it is unlikely that the 1 dph difference would be noticeable on the ground;

(54) Noted, however the site lies within the built up area boundary and there is no objection in principle to housing development in such a location;

(55) Internal space standards will be considered in the report's conclusions;

(56) It is possible to access the golf course land by other means;

(57) Noted however this is not a planning requirement and the planning authority cannot control how the applicant carries out pre-planning consultation;

(58) The legal agreement will make it clear that if the affordable housing is not sold within 6 months then of the Practical Completion Date then the applicant will be permitted to let up to 6 (six) Dwellings at Intermediate Rent and the remaining twelve (12) may then be let or sold on the Open Market subject to a set of rules; and

(59) - (60) Infrastructure requirements will be considered in the report's conclusions.

CONSULTATIONS

WSCC Strategic Planning

Highways England

Archaeology Advisor

Surface Water Drainage Team

Environmental Health

Arboriculturist

Parks and Landscapes

Planning and Housing Strategy

Sussex Police-Community Safety

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

NHS Coastal West Sussex CCG

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

NHS: No response received.

HIGHWAYS ENGLAND: Raise no objection on the basis that the proposals will generate minimal

additional traffic on the strategic road network (SRN) in peak hours and therefore, the development will not materially affect the safety, reliability and/or operation of the SRN. However, state that as this site forms part of the strategic development allocation in the previous Arun Local Plan it is for the Council to determine whether or not an appropriate contribution should be collected towards the previously agreed Local Plan highway mitigation schemes.

SOUTHERN WATER: Raise no objection. Their comments of 11/10/18 state that they have undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. The initial study indicates that Southern Water can provide foul sewage disposal to service the proposed development. Request the following condition: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

SUSSEX POLICE DESIGNING OUT CRIME OFFICER: Raise no objections and provide a series of comments on how design can increase security.

WSCC FLOOD RISK MANAGEMENT: Raise no objection with the following comments:

- Current surface water mapping shows the site to be at low risk from surface water flooding;
- Any existing surface water flow paths across the site must be maintained;
- Therefore, a wholesale site level rise via the spreading of excavated material should be avoided;
- The area of the proposed development is shown from modelled data to be at high risk from ground water flooding based on current mapping;
- Current Ordnance Survey mapping shows ordinary watercourses within or close to the site; and
- Local or field boundary ditches, not shown on Ordnance Survey mapping, may also exist around the site. If present these should be maintained and highlighted on future plans.

WSCC SECTION 106 RESPONSE:

Request the following contribution to be secured by a legal agreement:

- £62,871 to be spent on additional equipment at Downview Primary School;
- £67,662 to be spent on additional equipment at Felpham Community College;
- £15,851 to be spent on additional equipment at Felpham Community College Sixth Form;
- £6,113 to be spent on additional stock at Bognor Regis Library; and
- £582 - to be used towards the provision of additional fire safety equipment to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Felpham.

WSCC HIGHWAYS:

Note that Stanhorn Grove is not publically maintained highway therefore the following comments are for advice only:

- The access should provide visibility splays of 2.4m x 43m in both directions;
- A visibility splay plan should be submitted although from checking the site plans, the development has a wide frontage with grass verge which appears to provide ample visibility;
- A stage 1 Road Safety Audit will not be required as this development does not have its access directly onto the public highway network;
- Only 1 recorded road accident in the last three years in the area but this was caused by drink driving and was not in the vicinity of the site;
- It has been proven that all three types of vehicle (fire/refuse & family car) can use the proposed access

and turn within the site to exit in forward gear;

- 18 dwellings will add an additional 6 trips a day per plot to the network with at least 10% of these trips equating to the morning and afternoon peak hours;
- This development would be expected to create approximately 110 trips a day which would be 11 trips in the peak hours equating to 1 movement every 5 minutes. This is not considered to be detrimental to highway safety or capacity;
- The site is well supported by pedestrian infrastructure including footways which link into the wider network and the site is also served well by local bus services and existing cycle paths;
- The proposed car parking strategy is in line with the WSCC parking demand calculator; and
- Consideration may wish to be given to service margins to ensure the access is still usable should utility company's need to dig up the road. As a general rule 2m on one side or 1m either side is normally required.

Recommend conditions to secure car parking, cycle parking/storage and vehicle turning space.

COUNCIL ARCHAEOLOGIST: State that the archaeological potential of this site has been demonstrated through archaeological assessment of the general area and the results of subsequent evaluation of adjacent sites prior to their development. In the circumstances, the site should be investigated prior to it being developed in order to identify any significant deposits that might be present and to implement appropriate measures for their preservation. This process would be most appropriately secured either through pre-determination field evaluation or in line with a standard archaeology condition.

COUNCIL ECOLOGIST: Originally stated that:

- No consideration of Water Voles - please provide a survey;
- 5m buffer required to hedgerows in respect of bat protection;
- Any gaps in hedgerows to be filled in using native species;
- If Oak trees to be felled then will need further bat emergence surveys;
- The lighting scheme will need to minimise potential impacts to any bats in the area;
- Continued management of the site must take place to ensure that reptile habitat does not develop on the site;
- A badger survey will be required prior to the commencement of any works;
- Works to trees should be undertaken outside of the bird breeding season; and
- Enhancements required to include Bird & bat boxes, retained habitat for foraging bats & native species planting.

Subsequently wrote to state that are satisfied with the updated information submitted in relation to water voles and are satisfied that no further work will be required for this species.

ADC DRAINAGE ENGINEERS: Originally commented that:

- there is a watercourse running to the west & north of the site and no development should occur within 3m of this;
- Any proposals to connect to a culverted watercourse will need land drainage consent, which can be sought through us;
- Please investigate these ditches and possible culverts linking these. The ditches will also need to be cleared of vegetation and silt; and
- It should also be noted that the current proposed discharge rate of 5l/s is too high, QBar greenfield runoff rate for the site is 1.45l/s, please provide justification why such a high rate is proposed.

Further advice stated that Engineers are happy with the broad drainage proposals and will review them in full detail at the Discharge of Conditions stage. Also that condition ENGD2B can be adapted to

remove the requirement for winter infiltration testing. Infiltration didn't work in the summer, so it isn't going to work in the winter. Request conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B and ENGD6A.

ADC GREENSPACE OFFICER: Raise no objection. Comment that:

- The red line plot area is presently open ground offering some biodiversity benefit, however due to the overgrown nature of this it presently offers limited aesthetic value or usability for local residents;
- There is an area of adjacent Public Open Space in close proximity to this proposal which would be usable by residents of these additional dwellings, therefore not requiring that open space be provided within this proposal;
- Would recommend a play area contribution of £28,800 (18 x £1600) to be allocated to "Play Area Improvements and Enhancement of the Stanhorn Grove Play Area"; and
- A landscaping scheme will be required to 'green' the development.

ADC HOUSING STRATEGY & ENABLING OFFICER: No objection.

ADC TREE OFFICER:

Initially raised an objection on the basis that the current layout does not seek to avoid Root Protection Area (RPA) incursion to ensure valuable trees are afforded the necessary level of protection and respect. Following receipt of detailed tree protection plans & details, the objection was revised to state that the applicant has not sought to 'design out' conflict with significant trees overlapping the site, where there is opportunity to do so. Also commented that:

- Pressure to prune trees along the east boundary from future residents of plot number 1 should be anticipated, putting at risk the public amenity value that these trees currently provide. Recommend that the layout be revised to better accommodate existing trees of significant value (T1, T3 & T7);
- The site layout proposes significant RPA incursion from the construction of driveway/parking areas and main estate access road from the east and/or does not allow for future growth - in respect of oak trees T7, T8 and T11. Whilst a detailed 'No-dig' solution is proposed, the extent of incursion for T8 appears to exceed the recommended 20% limit of unsurfaced ground within the RPA;
- Tree constraints are mostly confined to the site perimeter, therefore it is reasonable to expect the final design to fully respect, accommodate and be in harmony with all Category B and C boundary trees;
- There is a large quantity of trees that as a group are ecologically noteworthy across the site interior however individually, are of low to moderate quality. Their removal should be compensated for with a detailed landscape plan but it does not appear that there is space to achieve this; and
- No objections to the removal of the category C Tree 11.

Subsequently wrote on the 16th November, that although the previous objection is sustained, would recommend that if permission is granted, then two conditions must be imposed. However, prior to applying these conditions, it will be necessary for the applicant to submit for our approval, the precise areas where ground protection measures and 'No-dig' solutions are to be employed and provide a detailed specification for each - then illustrate those areas clearly on the Tree Protection Plan.

Unfortunately, the applicant did not submit the required information as regards ground protection measures and no-dig solutions. The Tree Officer has therefore stated that his earlier objection still stands and although conditions could be imposed, there is still the potential for harm to the protected

trees along the frontage either as a result of direct harm to roots or future 'pressure to prune or fell'.

COMMENTS ON CONSULTATION RESPONSES:

All comments accepted.

Members should note that the applicant has formally objected to/made comment on some of the recommended conditions including some of the pre-commencement type conditions as set out below:

(a) Approval of Foul Sewerage Disposal before Commencement

The applicant stated that this is not acceptable, is a matter for Southern Water and amounts to a grampian condition in its current form. The new infrastructure charging schedule means that Southern Water are not not able to refuse a connection to the main sewer and the capacity of the downstream foul network has been assessed and confirmed that no upgrading works are required. Therefore the proposed development has no detrimental impact on the existing foul system within the existing SITE6 development or the sewers within Felpham and does not create an increase in foul flooding.

The Local Planning Authority has agreed to change the wording to allow the approval of details prior to occupation and also to remove the reference to Southern Water from the condition.

(b) Approval of Surface Water Scheme before Commencement

The applicant asked for clarification on what it is required.

The Local Planning Authority provided this clarification and the applicant has now agreed the condition.

(c) Approval of discharge to watercourses before Commencement

The applicant objected to the pre-commencement nature of the condition and has requested that it be pre-occupation instead.

The Local Planning Authority provided more detailed reasons as to why the need for pre-commencement and the applicant has now agreed the condition.

(d) Approval of Surface Water Drainage Management Scheme before Commencement

The applicant objected to the pre-commencement nature of the condition and has requested that it be pre-occupation instead.

The Local Planning Authority provided more detailed reasons as to why the need for pre-commencement and the applicant has now agreed the condition.

(e) Approval of Future Access/Maintenance Arrangements of any Watercourse or Culvert before Commencement

The applicant objected to the pre-commencement nature of the condition and has requested that it be pre-occupation instead.

The Local Planning Authority provided more detailed reasons as to why the need for pre-commencement and the applicant has now agreed the condition.

(f) Approval of Broadband Strategy before Commencement

The applicant objected to the pre-commencement nature of the condition and has requested that it be pre-occupation instead.

The Local Planning Authority has agreed to change the wording to allow the approval of details prior to occupation instead.

(g) Archaeological Investigation

The applicant stated that this is written in such a way to mean that there has to be archaeological work. Do not believe that there is any evidence to support any archaeological work and will supply a statement stating as much.

The Local Planning Authority considers that this condition should be included due to it being a standard condition and due to the advice of the Council's Archaeologist who stated that the archaeological potential of this site has been demonstrated through archaeological assessment of the general area and the results of subsequent evaluation of adjacent sites prior to their development.

(h) No Occupation before Car Parking Spaces Provided

The applicant stated these are worded in such a way that no dwelling can be occupied until all of the parking spaces are in for the entire development. Requests that the condition be amended to refer to the spaces for any occupied dwelling. The condition as worded prohibit a phased occupation.

The Local Planning Authority has agreed to amend the condition to refer to the spaces for the occupied dwelling (but with a caveat that the final dwelling may not be occupied unless the visitor spaces have been provided).

(i) No Occupation before Cycle Storage Spaces Provided

The applicant stated these are worded in such a way that no dwelling can be occupied until all of the parking spaces are in for the entire development. Requests that the condition be amended to refer to the spaces for any occupied dwelling. The condition as worded prohibit a phased occupation.

The Local Planning Authority has agreed to amend the condition to refer to the spaces for the occupied dwelling.

(j) Use of Decentralised / Renewable Energy Sources

The applicant stated that these will add cost to the scheme (likely in excess of £140K) and were never discussed during the application, also that the previous pre-application advice did advise that in assessing the renewable requirement then the delivery of additional benefits would be taken into account - therefore the 100% affordable nature of the scheme should outweigh this policy requirement.

The Local Planning Authority considers it necessary, in accordance with adopted policy to retain this condition.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
 TPO/FP/1/07;
 TPO/FP/1/96;
 Archaeological Notification Area (Prehistoric Flint Working Area);
 Area of Special Control of Adverts;
 2km buffer of Felpham SSSI;
 Unadopted highway ref P383; and
 Flood Zone 1.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
AHSP2	AH SP2 Affordable Housing
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2A	HSP2a Greater Bognor Regis Urban Area
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Felpham Neighbourhood Plan 2014 POLICY BT7](#) Communications infrastructure

Felpham Neighbourhood Plan 2014 POLICY ESD1 Design of new development

Felpham Neighbourhood Plan 2014 POLICY ESD5 Surface water management

Felpham Neighbourhood Plan 2014 POLICY ESD9 Tree protection

Felpham Neighbourhood Plan 2014 POLICY Design details

ESD10

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

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

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 that it would have no materially adverse effect on the established character of the surrounding residential estate or the residential amenities of the adjoining properties. However, it would result in harm to existing protected trees along the site frontage.

OTHER MATERIAL CONSIDERATIONS

It is considered that the proposal that all 18 dwellings be affordable (shared ownership) is an important material consideration and allows for a recommendation that is contrary to the consultation advice of the Council's Tree Officer.

CONCLUSIONS**PRINCIPLE:**

The site lies within the built up area boundary 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 design & character, drainage, highway safety &

parking, impact on trees, ecology, residential amenity and internal space standards.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable location within reasonable walking and cycling distance of a range of shops, facilities & services and there are also bus stops within walking distance. Whilst the private car would inevitably be required for some trips, future residents would have a realistic choice of transport options.

It is also noted that the National Planning Policy Framework (NPPF) advocates the effective use of land. Paragraph 118 (d) states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

Members should note that this application site was not included within the red line site boundary for the original approval of residential development at SITE6 (Felpham). Therefore, it was never expected that the development of this application site would contribute towards site wide SITE6 open space facilities.

DESIGN & CHARACTER:

It is noted that there are local resident objections to the proposal on the grounds of harm to local character from the introduction of affordable dwellings and from the introduction of high density housing. Residents also consider that there no other terraced or flatted dwellings within the SITE6 development.

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects when considering development proposals including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement,

a context appraisal, context plan and analysis of the site will also be required."

Policy ESD1 of the Felpham Neighbourhood Development Plan (FNDP) states that: "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location." Policy ESD10 is also relevant here. It requires that development schemes include provision for: (a) bin stores and recycling facilities; (b) cycle stores; (c) meter boxes; (d) lighting; (e) flues and ventilation; (f) ducts; (g) gutters and pipes; and (h) satellite dishes and telephone lines.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The application site is bordered to the north and south by existing residential approvals (FP/90/13/ & FP/55/15/PL) and similar two storey detached dwellings are located to the east of the site on the opposite side of Stanhorn Grove. These existing approvals are characterised by larger detached dwellings which all benefit from off street parking. The existing development on this portion of the site, by virtue of its character, is at a density of approximately 22-24dph. It should be highlighted that there are examples of higher density development within the SITE6 estate but that this higher density development is situated towards the centre of the site.

The proposal is for the erection of 18 dwellings and would comprise a mixture of detached, semi-detached and terraced dwellings (2 terraces of 3) and would be at a density of approximately 36.7dph. This density is only marginally greater than the maximum of 35dph which was set by condition 03 of the original SITE6 outline planning permission ref FP/92/04.

There are other terraced dwellings within the wider SITE6 development. However, the applicants have designed the layout so as to hide the terraced dwellings deep within the rear of the site with three detached dwellings along the frontage facing onto Stanhorn Grove. These dwellings seek to obscure views of the terraced development within the site and create the impression of a continuation of the established character.

As a result, it is not considered that the terraced dwellings will be noticeable within the streetscene. Furthermore, the terraced dwellings will also either be screened by demi-detached houses or set some distance from the end of Bridger Close such that there will be no materially harmful impact on that street.

It is noted that some local residents also consider that the introduction of affordable housing will harm the established character. The houses themselves will be smaller than existing houses nearby but they will be well designed with a mix of materials including brick and flint. It is not considered that their affordable nature will harm local character.

It is considered that the scheme represents high quality design and that the final layout/design has been subject to various stages of preparation and that it took account of the pre-application advice (which had proposed three additional dwellings at a higher density). It is also noted that the design scheme includes bin & cycle stores and lighting details.

It is noted that the dwellings will be built with finished ground floor levels set between 0.5 and 1m higher than the existing ground. This is in character with the existing surrounding dwellings (which were also built higher than the ground due to groundwater flood risk). A submitted cross section demonstrates that the new dwellings will not be any higher than those existing dwellings either side on Wellers or Bridger

Close.

The proposal is considered to comply with Arun Local Plan policies D DM1 & D SP1, with policies ESD1 & ESD10 and with the guidance on design within the NPPF.

HIGHWAY SAFETY & PARKING:

There are local resident objections to the proposal on the grounds of:

- Inadequate parking leading to parking on Stanhorn Grove;
- Highway safety issues on Stanhorn Grove; and
- Harm to users of the footpath.

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, policy T SP1 states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

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

WSCC Highways have commented on this application. They raise no objections and consider that the access configuration is safe, that there is plenty of visibility along Stanhorn Grove, there have been no accidents in the site vicinity, that large vehicles can enter & leave the site in a forward gear and that the likely trip generation will not be significant. They also consider that the proposed car parking strategy is in line with the WSCC parking demand calculator and that it is possible to walk, cycle or take a bus to nearby facilities. It would not therefore be sustainable to raise an objection on highway grounds and the proposal has to be considered to comply with policy T SP1.

The proposal is therefore considered to comply with Arun Local Plan policies T SP1 & T DM1 and it not considered to have an unacceptable impact on highway safety, or a severe cumulative impact on the road network.

IMPACT ON TREES:

There are local resident objections to the proposal on the grounds of harm to trees particularly in respect of the position of the access.

Policy ENV DM4 of the Arun Local Plan states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity, unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

In addition, FNDP policy ESD9 "Tree protection" states that:

"Development that damages or results in the loss of ancient trees or trees of arboricultural and amenity value will not be permitted. Development proposals must be designed to retain ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

The Councils Tree Officer has set out an objection to the proposals on the grounds that there could be future harm to the roots of the TPO trees along the site frontage and also future pressure to prune or fell some of these TPO trees. The Tree Officer considers that it would be possible to change the scheme layout to design out these conflicts.

The local planning authority notes that these trees have already been harmed to a certain extent by the laying of the hard surfaced footpath along the site frontage. It is also considered that an exception can be made to override the potential for future harm having regard to the 100% affordable nature of the proposal. It is noted that ALP policy ENV DM4 states that development can be permitted which affects TPO trees where the benefits of the proposed development in a particular location outweigh the harm.

It is accepted that there is no such exception within FNDP policy ESD9. However, section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the conflict between these two policies must be resolved in favour of the Arun Local Plan as the more recent development plan.

The Tree Officer was requested to provide suggested planning conditions to be imposed should the application be approved contrary to his objection. Two conditions were proposed however the Tree Officer also made it clear that these would only be appropriate if the applicant were to show the precise areas where ground protection measures and 'No-dig' solutions are to be employed - and to provide a detailed specification for each.

Unfortunately, the applicant has not submitted this additional information and as such, there is also an objection from the Tree Officer (notwithstanding his original objection) to the proposed imposition of the conditions. However, the planning authority still considers that an exception can be made on the basis of

the affordable nature of the proposal and therefore it is considered that the proposal is in accordance with ALP policy ENV DM4.

SURFACE WATER FLOODING:

There are local resident/Parish Council objections to the proposal on the grounds of:

- Ditch on one boundary is often full and there is surface water on the site in winter;
- Drainage system does not seem to support 18 dwellings;
- Insufficient protection to utility infrastructure from flood water; and
- Necessary to build site levels up by 1m to overcome high water table issues.

Members should note that the site is not prone to flooding from rivers (fluvial flooding) and is not shown to be at risk of surface water flooding. However, drainage engineers have stated that, based on modelled data, there is a risk of flooding from a high ground water table.

Policy W DM2 of the Arun Local Plan states that:

"Development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA) , will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas."

And that:

"All development proposals must take account of relevant Surface Water Management Plans, Catchment Flood Management Plans and related Flood Defence Plans and strategies such as the Lower Tidal River Arun Strategy. The council may require financial contributions from development on sites where measures to address flood risk or to improve the environmental quality of watercourses have been identified by these Plans and Strategies."

In addition, FNDP policy ESD5 "Surface Water Management" states that: "All development proposals other than minor household or commercial extensions (less than 10% increase in floor space) will be required to provide a surface water management plan detailing methods of dealing with surface water arising from development, and will be supported provided that the development would not compromise the emerging Surface Water Management Plan for the Lidsey Catchment or the Aldingbourne and Barnham Rife Strategy."

Furthermore, the NPPF states that:

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere" (paragraph 155)

The application submission includes a drainage statement which recognises the ground water issues and the scheme has been designed to overcome this by raising ground levels on the site.

The application documents state that:

- The existing site has a limited fall/gradient across the site and has no positive drainage system;
- Runoff from the site will initially drain through the surface, once waterlogged runoff will discharge to the adjacent watercourse (ditches);
- Detailed site ground investigations found that the sub strata was unsuitable for infiltration techniques to drain the surface water therefore the site runoff will be dealt with via SUDS techniques with a restricted discharge to the adjacent watercourse;
- The drainage strategy provides one point of outfall with all flows being restricted to 2.8 l/s for all storm events up to and including the 1 in 100 year + 40% climate change as agreed with Arun District Council;
- The surface water flows from each property will drain via gravity through the private house drainage before outfalling to a new storm drain located within the development road network;
- The storm water will drain to a cellular attenuation tank along the north eastern boundary before outfalling at a controlled rate to the watercourse;
- Roof runoff will be collected by a conventional system of guttering and downpipes where it will be discharged to a main storm sewer or via a permeable paving stone sub base;
- Water Butts are to be provided per plot where feasible on a rainwater downpipe to collect roof runoff for re-use;
- All private drives and parking courts will either drain via a traditional gully & piped system or via a permeable block paving stone sub base prior to outfalling to the main storm drain; and
- Runoff from the piped drainage will be attenuated within cellular tanks prior to discharging to the adjacent ditch.

The Council's Drainage Engineers in conjunction with those of West Sussex County Council, have comprehensively assessed this application and raise no objections to the drainage scheme subject to a consideration of matters of detail at the discharge of condition stage. They also state that there will be no requirement for winter infiltration testing as tests have shown that it will not work at this site.

In the absence of any objections to the scheme by Council drainage engineers, it is not considered that an objection to the application can be sustained and it is considered that the proposal is therefore in accordance with ALP policy W DM2, FNDP policy ESD5 and with the guidance within the NPPF.

FOUL DRAINAGE:

There are local resident/Parish Council objections to the proposal on the grounds that the foul sewer system at SITE6 is inadequate and that tankers had to be deployed in December 2017 to remove foul sewage.

Part 3 of Arun Local Plan policy W DM1 is relevant. It states that:

"Major development within this area must also be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal." And that: "Where surface water and foul water drainage systems are approved as part of the consideration of a planning application, conditions may be imposed upon the permission relating to dates for implementation or other detailed technical requirements."

The application submission states that:

"The foul water flows from the property will drain via gravity through the private house drainage before outfalling to the newly adoptable manholes and sewer located within the adjacent SITE6 development. The outfall point for the development with sufficient capacity is manhole (FWMH F5.14) directly opposite the development. The foul drainage outfalls to the adjacent development via gravity with all flow discharging to a terminal pumping station which then pumps to Ford WWTW. The capacity of the downstream foul network has been assessed and confirmed that no upgrading works are required. Therefore the proposed development has a 'no detriment' impact on the existing foul system within the existing SITE6 development or the sewers within Felpham and does not create an increase in foul flooding."

The application has been assessed by Southern Water who stated in their most recent comments that they have undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This study has indicated that Southern Water can provide foul sewage disposal to service the proposed development. They therefore raise no objection but do wish to see the details of the foul system at the discharge of conditions stage.

It is therefore considered that the scheme is in accordance with development plan policy.

ECOLOGY:

There are local resident objections to the proposal on the grounds of the loss of a wildlife haven which is frequented by deer, bats, birds of prey, hedgehogs, badgers, rabbits.

Arun Local Plan policy ENV DM5 states that:

"Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement. Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licensed person. All developments shall have regard to Natural England's standing advice for protected species."

It is accepted that the wild nature of the site is such that it provides habitat for a number of wildlife species. Accordingly, the applicant has provided an ecology statement which concludes that there is potential for the site to support nesting birds, terrestrial phase Great Crested Newts (GCN), reptiles, badgers and bats. However, the survey also found a likely absence of reptiles on-site and a likely absence of GCN within a dispersal distance from the site. The report recommends certain avoidance measures and also a number of mitigation & enhancement measures.

The application has been assessed by the Council's ecologist who has raised no objections subject to the mitigation & avoidance measures being secured by conditions. Given the advice of the Council's ecologist, it is not considered that an objection can be raised on these grounds and that the proposal is in accordance with Arun Local Plan policy ENV DM5.

RESIDENTIAL AMENITY:

There are local resident objections to the proposal on the grounds of:

- Loss of privacy & outlook for neighbouring dwellings;
- Shading of neighbouring dwellings and gardens;
- Noise from use of path to rear of no. 5;
- Additional car noise and car pollution; and
- New houses will be overbearing.

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Regard should also be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

ALP policy QE SP1 is also relevant:

"The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

In this case, it is considered that the layout ensures adequate separation distances to existing neighbouring dwellings such that the new houses will not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts. Members may also wish to note that the layout was slightly amended during the application process to bring the dwellings at the Wellers Close end of the site, 1m further from the boundary. It is accepted that the new dwellings will result in noise from occupiers and their vehicles and that this will represent a change to the existing situation experienced by neighbours. However, given that the site lies in a large residential area, it is not considered that these impacts will be out of character and it is also not considered that they are likely to result in any significant harm to the amenity of existing dwellings.

Planning conditions will be imposed to ensure that all bathroom/toilet windows are obscure glazed and to ensure that the lighting scheme is both sensitive to local bat populations and to other home occupiers. The proposal is therefore considered to comply with Arun Local Plan policies D DM1 and QE SP1.

SPACE STANDARDS:

There are objections to the proposal by local residents on the grounds that it is unfair to low income owners to have such small houses.

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine

whether the proposed replacement dwelling is suitable for residential use. However, members should note that Policy D DM2 is clear that the national standards are there only to provide guidance.

The applicant has submitted a schedule with the application which demonstrates that all of the proposed dwellings are either in accordance with or exceed the national space standards. Therefore, it is clear that these dwellings are not excessively small, in fact they are of an appropriate size and would be considered to be acceptable as either affordable or market housing (i.e. the space standards do not set different standards for affordable housing).

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, paragraph 127 of the NPPF states that: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The proposed houses will all have private rear gardens which are considered to be of an appropriate size and will have a useable area to them. It is therefore considered that the scheme provides a good standard of amenity for future occupiers and that the proposal is therefore in accordance with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity within the NPPF.

AFFORDABLE HOUSING:

For all developments over 11 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal is for 100% affordable housing to be sold as Shared Ownership Units. It therefore more than meets the requirements of ALP policy AH SP2. The affordable housing nature of the proposal will be secured by the S.106 legal agreement.

PUBLIC OPEN SPACE & PLAY

Arun Local Plan policy OSR DM1 states that:

"Housing will be required to contribute towards:

- a. Open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the District open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new offsite provision in order to address any future demand. For larger scale developments, the quantity standards should be used to help determine the requirements for open space provision as part of that development.
- b. Playing pitch provision in accordance with guidance set out in the Playing Pitch Strategy. This will include improvements to existing provision to increase playing capacity and providing hubs of new pitches.
- c. Indoor sport and leisure facilities through financial contributions in accordance with guidance set out in the Indoor Sport and Leisure Facilities Strategy which identifies a need for a new leisure centre in the West of the District.
- d. Strategic projects identified in the Leisure and Cultural Strategy."

The Councils supplementary planning document "Open Space & Recreation Standards" sets out standards for public open space. This guidance is considered to be out of date and so reference is made instead to the current Fields in Trust (FIT) standards as set out in "Guidance for Open Sport and Play: Beyond the Six Acre Standard" (October 2015).

Although, technically the scheme would be expected to provide on-site public open space, the Council's Landscape Officer has considered the proposal with respect to the wider context in that there is existing open space within the SITE6 development that was provided at the time that the estate was originally planned. For this reason and noting the size of the site itself, it is instead proposed that a financial contribution of £28,800 be allocated towards "Play Area Improvements and Enhancement of the Stanhorn Grove Play Area".

This financial contribution is considered to meet the statutory tests in the Community Infrastructure Levy Regulations 2010 (also set out as policy tests in the NPPF) in that the contribution is necessary to make the development acceptable in terms of policy OSR DM1 and the associated SPG, is directly related to the needs of the development (with the contribution to be spent on a nearby play area) and is fairly & reasonably related in scale and kind (the contribution is a set amount per new dwelling). In addition, this is the first contribution to be allocated to this specific project and therefore the contribution is not subject to a pooling restriction.

As such there would be no conflict with the relevant development plan policies.

SUPPORTING INFRASTRUCTURE:

There are local resident objections to the proposal on the grounds of inadequate local infrastructure (including schools, shops, doctors, buses, police force).

Arun Local Plan policy INF SP1 states that:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community. Infrastructure provision and contribution towards services should be delivered using the following approach:

- (1) Testing the capacity of existing infrastructure and where there is insufficient infrastructure capacity to support new development, mitigate the impacts of the development, provision should be secured and must be operational no later than the completion of the development or phase of development for which it is needed.
- (2) Infrastructure provision or improvements should be provided on-site as an integral part of a development, wherever possible and appropriate;
- (3) Off-site measures will require planning obligations or financial contributions, to secure the necessary provision; and
- (4) Where a contribution towards other district wide infrastructure improvements or provision is needed and viable this will be achieved through the Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List which will be introduced as soon as possible after the adoption of this Local Plan. Until such time as a Charging Schedule is adopted contributions will be achieved through planning obligations (where they meet the statutory tests).

Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

Members should note that the NHS have not responded to the consultation request and that Sussex Police's response does not make a request for any contributions towards local policing.

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire as follows:

- A contribution of £62,871 to be spent on additional equipment at Downview Primary School;
- A contribution of £67,662 to be spent on additional equipment at Felpham Community College;
- A contribution of £15,851 to be spent on additional equipment at Felpham Community College 6th Form;
- A contribution of £6,113 to be spent on additional stock at Bognor Regis Library; and
- A contribution of £582 to be used towards the provision of additional fire safety equipment within vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Felpham.

All of the above contributions are considered to be necessary to make the development acceptable in terms of ALP policy INF SP1, are directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development), and are fairly & reasonably related in scale and kind (the level of contributions have been calculated so as to be proportional to the amount of new development). It is also clear from the Councils own records that with the exception of the 6th form contribution (which has 1 existing contribution from M/45/16/PL), there are no other existing agreed contributions allocated to any of the stated projects.

The applicant has agreed to secure these contributions by Section 106 Agreement and provided that the S.106 is signed & completed, then the proposal is in accordance with Arun Local Plan policy INF SP1.

SUMMARY:

There is no in principle objection to the residential development of this urban site which is located within an existing recently completed residential estate. Although it is acknowledged that there are a number of objections to the proposal, the above analysis has demonstrated that the proposal is in accordance with all of the relevant development plan policies. There is an outstanding objection to the scheme from the Councils Tree Officer, however, ALP policy ENV DM4 allows for important trees to be affected where the benefits of a proposal are considered to be significant. This is the view that the planning authority has taken on the basis of the 100% affordable nature of the proposal and the positive impact it will have for low income families trying to secure a home. Compliance with ALP policy ENV Dm4 also overrides the conflict with the equivalent policy within the Neighbourhood Plan (ESD9).

It is therefore considered that this application should be approved subject to the conditions set out below and also subject to the signing of the S.106 legal agreement covering contributions in respect of children's play, education, libraries, fire and a provision to ensure that the 100% affordable nature of the proposal is carried through to implementation.

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.

SECTION 106 DETAILS

This recommendation is made subject to the completion of a S106 legal agreement which will concern the following provisions:

AFFORDABLE HOUSING

The Legal Agreement specifies that: "18 (eighteen) Dwellings to be provided as Affordable Housing Units on the Development to be sold as Shared Ownership Units or as set out in Schedule 3 of this Agreement as".

There is then a proposed clause to say that: "If the Association is unable to enter into a contract for sale for the disposal of an Affordable Housing Unit in accordance with paragraphs 1.1 and 1.2 of this Schedule within six (6) months of the Practical Completion Date then the Association shall be permitted to let up to 6 (six) Dwellings at Intermediate Rent and the remaining twelve (12) may be let or sold on the Open Market PROVIDED THAT the procedure set out this Schedule is followed in respect to each Dwelling."

PUBLIC PLAY

A play area contribution of £28,800 (18 x £1600) to be allocated to the nearby Stanhorn Grove Play Area.

PRIMARY EDUCATION

A contribution of £62,871 to be spent on additional equipment at Downview Primary School.

SECONDARY EDUCATION

A contribution of £67,662 to be spent on additional equipment at Felpham Community College.

6TH FORM EDUCATION

A contribution of £15,851 to be spent on additional equipment at Felpham Community College Sixth Form.

LIBRARIES

A contribution of £6,113 to be spent on additional stock at Bognor Regis Library.

FIRE & RESCUE

A contribution of £582 to be used towards the provision of additional fire safety equipment within vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Felpham.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 and documents:

1000WC01 "Site Survey";
 17094-SK-003 "Location Plan";
 PL-2-01 "Site Location Plan";
 PL-2-02 Rev D "Site Layout";
 PL-2-03 Rev D "Site Layout - Tenure";
 PL-2-04 Rev D "Site Layout - Building Height";
 PL-2-05 Rev D "Site Layout - Building Materials";
 PL-2-06 Rev D "Site Layout - Bedrooms";
 PL-2-07 Rev D "Site Layout - Boundary Materials";
 PL-2-08 Rev D "Site Layout - Parking/Cycles/Bins";
 17094-PL-0-01 "Building Material Palette";
 17094-PL-3-01 "Windom - Plans & Elevations - Brick (Plots As 12 / Opp 11, 16)";
 17094-PL-3-02 "Windom - Plans & Elevations - Brick Detail (Plots As 3, 4, 5, 8)";
 17094-PL-3-05 "Turner - Plans - Brick Detail (Plots Opp 15)";
 17094-PL-3-06 "Turner - Elevations - Brick Detail (Plots Opp 15)";
 17094-PL-3-07 "Turner - Plans - Flint Detail (Plots As 1 / Opp 14)";
 17094-PL-3-08 "Turner - Elevations - Flint Detail (Plots As 1 / Opp 14)";
 17094-PL-3-10 "Lincoln - Plans & Elevations - Brick (Plots As 10, 13 / Opp 2, 6)";
 17094-PL-3-11 "Lincoln - Plans & Elevations - Brick Detail (Plots As 7 / Opp 9)";
 17094-PL-3-15 "Flats - Plans & Elevations - Flint (Plots As 17, 18)";
 17094-PL-4-01 "Indicative Site Section";
 17094PL-5-01 "Street Scenes";
 17094PL-5-02 "Indicative 3D Visual";
 17094-9-10 Rev B Materials Schedule;
 5782:01 Rev E "Engineering Layout";
 5782:02 "Levels Layout";
 5782:10 "Longitudinal Sections";
 5782:90 Rev A "Vehicle Tracking";
 5782:91 Rev A "Fire Tender Tracking";
 5782:92 Rev A "Refuse Tracking";

"Development Foul and Surface Water Statement" ref SS/18:0439/5782 Rev B; and
"GEO Environmental Report" Ref 20790R1 Rev A (Feb 18).

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

- 3 The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement (Ref PR121588aia-ams, Rev: A-23.11.18) and the Tree Protection Plan ref: PR121588-03 (October 2018).

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

- 4 The development must be carried out in strict accordance with the recommendations and mitigation measures as set out within Section 6.0 of the submitted Ecological Assessment dated 04/09/18. The enhancements and mitigation measures shall be implemented as per the document and then the enhancements shall be permanently retained and thereafter maintained as fit for purpose.

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

- 5 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a badger survey has been undertaken in order to ensure that badgers are not using the site. If a badger sett is found on the site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in consultation with Natural England.

Reason: To safeguard resident badgers in accordance with Policy ENV DM5 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the commencement of development could result in harm to any badgers living within the site area.

- 6 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners.

At this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan ref: PR121588-03 (October 2018).

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the above site meeting to the satisfaction of the Arun DC Tree Officer.

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

Reasons: To comply with BS5837 and with Arun Local Plan policy ENV DM4 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because it is necessary to ensure the protection of the protected and otherwise significant trees prior to any change to the surface of the site.

- 7 No development shall commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

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.

- 8 No development shall commence until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1 and W DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 9 No development shall 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 of 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.

- 10 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason : To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, 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 protect existing watercourses prior to construction commencing.

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because investigatory work cannot take place once the development has commenced.

- 12 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

The landscaping scheme shall also ensure that (a) any gaps within hedgerows are filled in using native hedge species to improve wildlife connectivity; and (b) that where any hedges are removed, new replacement hedgerow is planted.

Reason: In the interests of amenity of the development and in the interests of ecology in accordance with Arun Local Plan policies D DM1 & ENV DM5 and the National Planning Policy Framework.

- 13 No part of the development shall be occupied unless and until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority. The foul sewerage disposal system shall then be implemented in accordance with the approved details and permanently retained thereafter.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 14 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 and policy BT7 of the Felpham Neighbourhood Development Plan.

- 15 Upon completed construction of the surface water drainage system but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 16 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 17 Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

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

- 18 No dwelling within the site shall be occupied unless and until the car parking associated with it has been constructed in accordance with the approved site layout parking/cycle parking plan (17094-PL-2-08 Rev D). The final dwelling on the site shall not be occupied unless and until all of the proposed unallocated visitor spaces have been constructed in accordance with the same plan (17094-PL-2-08 Rev D). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking spaces for the use in accordance with policies T SP1 and T DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 19 No dwelling within the site shall be occupied unless and until covered and secure cycle parking spaces to be associated with that dwelling have been provided in accordance with the approved site layout parking/cycle parking plan (17094-PL-2-08 Rev D). The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies

T SP1 and T DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 20 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plans (5782.92/91/90 - all Rev A). These spaces shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety and in accordance with policy T DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 21 Details for the storage of domestic rubbish and recycling within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings. The waste/recycling provision shall then be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

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

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

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

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

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

- 24 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 National Planning Policy Framework, March 2012). 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan and policy ESD11 of the Felpham Neighbourhood Development Plan.

- 25 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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.

- 26 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 27 No windows (other than those shown on the plans hereby approved) shall be constructed in the exposed first floor flank elevations of the dwellinghouses hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policy D DM1 of the Arun Local Plan.

- 28 All of the bathroom windows (whether ground or first floor) within the development shall be glazed with obscured glass.

Reason: To protect the amenities and privacy of existing and future adjacent properties in accordance with policy D DM1 of the Arun Local Plan.

- 29 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.

- 30 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

AFFORDABLE HOUSING - A provision within the agreement to ensure that all of the dwellings are affordable.

LOCAL PLAY - A play area contribution of £28,800 (18 x £1600) to be allocated to the nearby Stanhorn Grove Play Area.

PRIMARY EDUCATION - A contribution of £62,871 to be spent on additional equipment at Downview Primary School.

SECONDARY EDUCATION - A contribution of £67,662 to be spent on additional equipment at

Felpham Community College.

6TH FORM EDUCATION - A contribution of £15,851 to be spent on additional equipment at Felpham Community College Sixth Form.

LIBRARIES - A contribution of £6,113 to be spent on additional stock at Bognor Regis Library.

FIRE & RESCUE - A contribution of £582 to be used towards the provision of additional fire safety equipment within vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Felpham.

- 31 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 this New Connections Services Charging Arrangements documents which is available to read on Southern Water's website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 32 INFORMATIVE: Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, then an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. Please contact Southern Water if a sewer is found.
- 33 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are available on our website <https://www.arun.gov.uk/surfacewater> and are also available on request.
- 34 INFORMATIVE: Please note the following comments of Sussex Police's Designing Out Crime Officer in respect of the fencing, cycle storage and lighting conditions:
 - Perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8metres;
 - I would recommend that wooden close boarded fencing over the low walls and between the brick piers is fitted toward the outer edge of the wall to prevent footholds on the external side which could enable climbing;
 - In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres;
 - Gates that provide access to the side of the dwelling or rear access to gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from

both sides;

- Gates must be located on or as near to the front of the building line as possible;
- It is important that the boundary between public and private areas are clearly indicated and do not impede natural surveillance;
- It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination of wall (maximum height 1metre) and railings or timber picket fence if a more substantial front boundary is required;
- Where bicycle storage is provided by a robust shed, SBD document (Homes 2016) chapter 53 (found at www.securedbydesign.com) gives recommendations regarding the minimum requirements for shed construction.
- Lighting throughout the development will be an important consideration and should conform to the recommendations within BS5489:2013;
- Lighting is required to illuminate each dwelling elevation containing an external door set, car parking & garage areas including footpaths leading to dwellings where the public, visitors or occupants of the building are expected to use;
- I would recommend dusk to dawn energy efficient LED switched lighting (research has shown that a constant level, of illumination is more effective at controlling the night environment); and
- SBD Homes 2016 Chapter 18 and 25: Chapter 30 and Chapter 56 refers to street and dwelling lighting specifications.