

Recommendation Report for Planning Permission

REF NO: F/7/19/PL

LOCATION: Waterbury House
Ford Road
Ford
BN18 0BH

PROPOSAL: 5 No. 1 bed flats together with staff accommodation, hard landscaping & parking (resubmission following F/10/18/PL). This application affects the setting of a listed building & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to the provision of part 1 and part 1.5 storey standalone building in the grounds of the listed building. It will accommodate 5 small one bedroomed flats; four on the ground floor, and one on the first to provide assisted living units on 2 floors. An en-suite staff sleeping area and an office will also be provided. The manager of Waterbury will also manage this new facility. The building would have a maximum height to ridge of 7.6m and would have a maximum length of 28.5m and width of 15.5m. The first floor has an area of 12m x 7.3m. It would be constructed of red brick with white painted art stone details and a red brown plain tile roof.
SITE AREA	364 square metres
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Railway boundary trees 6-8m high. Rear sporadic trees to approximately 4m together with 2m high wire mesh fencing. Side fencing to 1.8m.
SITE CHARACTERISTICS	Existing care home to site frontage. Mobile home park to side and rear. Timber structure which was located on the site has been removed.
CHARACTER OF LOCALITY	Predominantly rural

RELEVANT SITE HISTORY

F/27/18/CLE	Lawful development certificate for the existing demolition of outbuildings.	Approve 07-02-19
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F/10/18/PL	Construction of 5 No. 1 bedroom flats together with staff accommodation, hard landscaping & parking, (resubmission following F/29/17/PL). This application affects the setting of a listed building & is a Departure from the Development Plan.	Refused 25-09-18
F/4/13/	Renewal of Unimplemented Planning Permission F/4/10 for demolition of timber building and construction of a four bedroom bungalow style care facility unit for adults with learning difficulties. The unit will be used as ancillary accommodation in connection with the main use of the site as a Care Home.	ApproveConditionally 19-04-13
F/4/10/	Demolition of existing timber building and construction of 4 bed. bungalow style care facility unit for adults with learning difficulties. The unit will be used as ancillary accommodation in connection with the main use of the site as a Care Home.	ApproveConditionally 06-04-10

This application seeks to address the reasons for refusal of an earlier application F/10/18/PL, which was refused on 25th September 2018 for the following reasons:

"Having regard to the design of the building and the close proximity of proposed bedroom windows to the railway line proposed would give rise to an unneighbourly form of development by way of excessive noise levels which would be prejudicial to the residential amenities of the occupiers of the development in conflict with policies DDM1, and QE DM1 of the Arun Local Plan."

Further to the refusal of planning permission, an application for a Lawful development certificate for the existing demolition of outbuildings was granted on 7th February 2019 (F/27/18/CLE). This Certificate referred to the implementation of planning permission F/4/10 for the "Provision of the development comprising demolition of existing timber building and construction of 4 bed bungalow style care facility unit for adults with learning difficulties.

This current application is a re-submission of the refused application. The Certificate is a material consideration in the determination of this new application. By determining that permission F/4/10 is extant the construction of the 4 bedroom unit can be implemented. The footprint of the 4 bedroom unit is in the same location as the refused scheme. The bedroom positions have been swapped around so that no bedrooms now face the railway line.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ford Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Network Rail

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

Arboriculturist

WSCC Strategic Planning

Southern Water Planning

Environmental Health

Environment Agency

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Engineers

No Objection. Please impose standard drainage conditions.

Network Rail

Awaited - previously no objection was raised - Informatives were requested.

County Highways

First Response - Additional information required

Second Response - After inspection of the Plans, a site visit and local mapping the Local Highways Authority (LHA) request additional information. An application which resulted in the material intensification of use of a sub-standard access cannot be supported.

Visibility in the trailing direction at the southern access is considered to be sub-standard due to the positioning of acoustic fencing adjacent to the access point.

Does this fencing benefit from planning consent?

The applicant would be requested to supply additional information detailing how, if achievable, the obstruction to visibility at this point can be mitigated. The applicant may wish to consider:

1. Closure of the southern access and turning provision indicated.
2. Reducing the height of the fence to a maximum of 1 metre.
3. Realignment of the fencing so maximum visibility splays are achievable.

Third Response - No objection on highway safety grounds.

Conservation Officer

Awaited

Southern Water

No objection in principle. The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation.

Environment Agency

Proposal is acceptable provided a condition is imposed as per the FRA.

Environmental Health

Objection- Having looked at the previous application and comments from Environmental Health this new application does little to address the concerns that were raised over noise affecting the occupiers of the proposed development.

The layout of the flats has been altered to move bedrooms away from the railway but living rooms are still located close to the railway and there is no protection of the outdoor amenity space from railway noise. This application has not included a noise assessment but earlier comments on the noise environment described in the previous noise assessment are still valid for this application.

It is recommended that a new acoustic report is carried out and submitted in order to assess the noise and vibration affecting the residents in the new layout and to identify what, if any, mitigation is needed. The acoustic report and any proposed mitigation scheme should demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. The scheme should also take into account the correct number of air changes required for noise affected rooms.

The scheme should also demonstrate that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 Guidance on sound insulation and noise reduction for proposed developments.

If the above information were not to be submitted I would be minded to object to the application on the basis of noise from the railway potentially affecting the amenity of the future occupiers of the development.

Council's Arboricultural Officer - No Objection provided earlier comments dated August 2018 are incorporated in any decision (provided verbally).

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Adjacent to railway

Grade 2 Listed Building

Class C road

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SDSP1	SD SP1 Sustainable Development
CSP1	C SP1 Countryside
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
WDM3	W DM3 Sustainable Urban Drainage Systems
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

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 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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Ford, Kingston; Littlehampton; Rustington; Walberton; Yapton.

Since the site is outside the built up area boundary policies BUA1 and SP1 Spatial Strategy would apply and the proposal would conflict these policies. Policy EH1 requires Protection of Trees and Hedgerows and EH4 Surface Water Management seeks to reduce the overall level of flood risk in the area. The site lies within the area designated as a Green infrastructure and Biodiversity Opportunity Area policy EH6. The proposal is for housing and therefore policy H1 Quality of Design requiring high quality design would be relevant. Policy GA2 Parking and New Development requires car parking within the curtilage of the dwelling in the form of a garage and/or parking space and states development proposals will be supported only if they include the maximum level of off street parking consistent with the current local standards. The proposal exceeds the maximum parking provision.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would be located outside the built up area boundary.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan in terms of its countryside location, given the ancillary nature of the building, the history of the site and the proposed use of the building.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area of Ford as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031.

Arun District Local Plan:

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Due to the sites location outside of the BUAB development in this location would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan 2011 - 2031.

Ford Neighbourhood Plan

Ford Neighbourhood Plan has been made. Since the site is outside the built up area boundary policies BUA1 and SP1 Spatial Strategy would apply and the proposal would conflict these policies.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) states in paragraph 12 that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.' It also confirms that the presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making (para 12). At this time, there is an up to date development plan.

Whilst the development conflicts with an up-to-date Local Plan policy C SP1, there are material considerations to indicate otherwise than refusal in this regard. In this particular case the following factors need to be considered. The proposal replaces a large original timber structure, which dated from the 1930s, so development would take place in an area that has supported development in the past. Further, the site is within the curtilage of a building in use as a home and does not comprise open farmland. The proposed accommodation would be ancillary to and dependent on the existing home and could not be sited elsewhere given that the manager and staff of the existing home would also be responsible for the residents of the proposed accommodation and many of the support services within the home would be shared. The development would provide much needed accommodation for residents in need of care. The size, design and close proximity of the development to the existing home ensure that it is visually integrated and is not considered to be out of keeping with the character of the area. It would not therefore result in an adverse impact on the intrinsic character of the countryside or the visual

amenities of the locality.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan Arun District Local Plan policy C SP1 to protect countryside and make provision for housing on identified sites. However, for the reasons set out above there are material considerations to not warrant refusal on grounds of the development being located outside the built up area boundary.

The proposal now needs to be considered on other relevant material considerations.

VISUAL AMENITY AND CHARACTER OF THE AREA

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The application site is situated to the east of Ford Lane and is partially screened on this boundary by Waterbury House. It is enclosed by the park home to the east and north and by the railway line and vegetation to the south and as such the proposed development will have limited presence within the street scene when viewed from Ford Road.

The principle of a replacement structure of this design to the rear of the existing building has been established by permission reference F/4/13 and is a material consideration. The proposal would not represent encroachment into open countryside and would not therefore erode the rural character of the area. On this basis, it is considered that the proposed development of the site would not result in unacceptable harm to the character of the locality and is deemed to accord with policy D DM1 of the Arun Local Plan.

The distance from the proposed building to the host property on the site frontage and its size has not altered significantly from the previously approved scheme and there is therefore no significant change in the impact that the flats have on the visual amenities of the locality. The building would be partly screened from direct view from Ford Lane by the existing property.

The layout and design details of the proposal are considered acceptable and in accordance with policy DSP1 of the Arun Local Plan. The proposal is for housing and therefore policy H1 Quality of Design of Ford Neighbourhood Plan requiring high quality design would be relevant. The design would replicate architectural elements from the main listed property which would assist in its visual assimilation with the host property. The one to one and a half storey form and inclusion of dormers give the building a subservient appearance which ensures that it does not dominate the landscape. The overall massing of the building on the current proposal has been articulated with a variety of rooflines and off setting of sections to break up the footprint and elevations. The roofscape includes apexes of various heights that step down.

RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the

NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127 f).

The impact on existing residents would be acceptable. The proposal would increase the number of residents at the site, but the unit is located 20m from the northern boundary and 20m from the eastern boundary. These distances are considered adequate to preclude any materially adverse overlooking or overbearing impacts from the building itself and to prevent any materially adverse impacts from noise and activity levels resulting from additional residents within the site.

However, with regard to occupiers of the units in the future it is noted that the building would be located 3m from the southern boundary with the railway line and 11m from the tracks. This close proximity means that the occupiers would be subjected to noise from trains using the railway line. The applicants have previously undertaken a noise assessment and the Council's environmental health officer was consulted. She objected to the proposal on the basis that the railway line would generate unacceptable noise levels which can't be appropriately mitigated and would adversely impact on the residential amenities of the occupiers of the units.

It is noted that previous historic applications have been submitted without the imposition of a condition requiring the submission of a noise assessment, or mitigation measures in relation to the outside patio areas. This was justified at the time on the basis that the whole of the rear garden was already exposed to noise from the railway and that the proposal was effectively an expansion of use and it would not have been reasonable to require the submission of a noise assessment since one had not been conditioned in the past. The most recent permission (F/4/13), which was a renewal of an unimplemented permission, included the following condition relating to mitigation measures:

'The windows to the proposed development shall be double glazed and the first floor bedroom window on the south elevation shall be non opening.'

This was justified on the basis that the change from roof lights to dormers would result in additional noise penetration at first floor level and it would be reasonable to ensure these were double glazed and that alternative means of ventilation were provided where possible. The agents accepted the condition. It was considered unlikely that noise to the bathroom would adversely affect residential amenity and the units lounge area would be unlikely to be used for sleeping at night. No other windows served this area so alternative means of ventilation were difficult to achieve. With this current application the plans are annotated to refer to the use of double glazed windows and no bedroom windows are located at ground floor facing onto the railway line. The windows in this elevation serve en-suites and kitchens. Flat 3 has a lounge close to the railway line, but this has no windows directly facing the railway line. The windows face west towards the parking area. The closest lounge window facing the railway elevation is that flat 4 which is 10m from the boundary. Above this window is a bedroom to flat 5 with a window facing the railway line.

The most recent approval F/4/13 granted permission for a 4 bedroom unit which had one bedroom window at ground floor facing the railway line and a defined patio area which has been removed from the proposal. The internal floor layout is now less likely to result in noise nuisance to residents.

The shed building which was previously located in this area has been demolished. Subsequently a Lawful Development Certificate has been approved confirming that this represented the commencement of the 2013 development on site. However, whilst the proposed development has intensified, the layout has been altered so that the impact of train noise on residents is improved, although it is noted that the environmental health officer has recommended refusal of the application if a satisfactory acoustic report is not submitted. Internal noise levels have been conditioned. The implemented permission and improved layout mean that refusal on noise grounds would not be reasonable, particularly if noise nuisance can be

mitigated. The proposal would not therefore fully accord with policies DDM1 and QE DM1 of the Arun Local Plan, but there are other material planning considerations which prevent refusal on these grounds alone and further mitigation details are to be controlled by condition.

The Environmental Health Officer has requested that a noise assessment scheme should demonstrate that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 Guidance on sound insulation and noise reduction for proposed developments. This is not considered to be necessary given that the outside amenity area serving the development as a whole would be available to residents. This wording has not therefore been included within the suggested conditions.

The proposal meets the Nationally Described Space Standards. The internal floor areas exceed the minimum 50sqm for a 2 person, 1 bedroom dwelling.

ACCESS AND PARKING

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access. Regard should also be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe".

The application has been assessed by WSCC Highways who do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be severe. The application is therefore considered to comply with the above policy and guidance.

There is an over provision of parking indicated. The agent has advised the proposed increase in car parking spaces is in recognition that some of the proposed tenants may have their own mobility vehicle. Staffing requirements for the proposed new residents will not be formalised until their care needs have been assessed. Some tenants may require one or more support staff to cater for their needs. The applicant has therefore erred on the side of caution by applying for the additional parking which exceeds maximum parking levels. The proposal accords with policy T SP1 of the Local Plan in that the needs of people with disabilities by all modes of transport is being considered and provided for.

Policy GA2 Parking and New Development requires car parking within the curtilage of the dwelling in the form of a garage and/or parking space and states development proposals will be supported only if they include the maximum level of off street parking consistent with the current local standards. The proposal exceeds the maximum parking provision.

The application has been amended since originally submitted to provide better visibility at the access to the site and the fencing along the site frontage is to be reduced in height accordingly. On this basis County Highways have no objection.

IMPACT ON TREES

The application includes an updated Tree Report and plans following the amendments to the bin store. The Council's Tree Officer was consulted previously and raised no objection and he has verbally agreed to the inclusion of a condition in line with his previous comments referring to the latest tree information.

Policy EH1 of Ford Neighbourhood Plan requires Protection of Trees and Hedgerows and policy DDM1 of Arun Local Plan requires new development to incorporate existing and new tree planting. The proposal is therefore in accordance with these policies.

The site lies within the area designated as a Green infrastructure and Biodiversity Opportunity Area policy EH6.

FLOODING

A Flood Risk Assessment accompanies the planning application. It is recommended that the development will be acceptable subject to compliance with the FRA which can be conditioned as requested by the Environment Agency. The proposal would therefore accord with policy WDM2 of the Arun Local Plan and policy EH4 Surface Water Management of the Neighbourhood Plan which seeks to reduce the overall level of flood risk in the area.

IMPACT ON THE SETTING OF THE LISTED BUILDING

This is a substantial structure (larger than the 2017 submission), and development would take place within a few metres of the host (Listed) dwelling. As such it is considered that it would affect the setting of the host dwelling. Development in the grounds of a listed building, or close proximity of a listed building, should ensure that it does not detract from its setting. Such an approach is supported by both the Arun Local Plan as well as government guidance in the form of the NPPF - paragraphs 189 and 192 are noted.

The proposal has a predominantly low level structure and the number of dormer windows remains at 3 as was previously agreed during negotiations. These dormers are considered to be small in scale and do not appear to dominate the elevation. When viewed from the western elevation, the structure appears to be subservient. However, when viewed from the southern (and northern) elevations it is a substantial structure that appears to dominate the Listed Building.

This impact needs to be considered against the design of the proposal. The roof structure is very simple in appearance and complements the proposed elevation treatment which appears to closer reflect the host building in terms of materials and treatment. The quality of the materials used, along with quality of the build as well as details such as the brick bond will greatly influence the success or otherwise of such a scheme and these can be conditioned.

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Whilst there is a heritage assessment submitted within the application, it is very limited and does not fully assess the significance of local heritage assets. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development has 'less than substantial harm' upon the local assets. Therefore, Paragraph 196 of the Act applies, which states that where this level of harm is identified, the harm should be weighed against the public benefit of the proposal. Para 192 requires account to be taken of the desirability to sustain and enhance the significance of heritage assets by putting them to a viable use consistent with their conservation. The proposed building would accord with this. The development would make a positive contribution to local character and distinctiveness as required by para 192(c) of the NPPF. The development is acceptable in this location given the justification provided. The benefits that it will generate are that the new scheme will complement the existing provision by providing individualised accommodation which will enable people to develop greater levels of independence through having their own individual flat. It is anticipated that the new accommodation would provide a move on option for some of the people living in the existing provision, which will enable more people who require the specialist support the service provides to be accommodated. Paragraphs 193 - 196 require optimum use for public benefits. It is considered that there

is therefore public benefit accruing from the alterations which would assist in the long term retention and use of the building.

Ultimately, development which ensures that the building remains in a viable use is supported provided that any harm can be sensibly mitigated. With the imposition of conditions relating to fencing, landscaping and materials the impact on the Listed Building can be acceptably controlled. The gardens between the proposed block and the existing gardens will be shared and no fencing between the units will be erected.

In accordance with Para 190 the level of harm of the impact of the development upon the heritage asset has been considered and there would be limited impact on the setting of the heritage assets. Overall the proposals respects the historic form, character or appearance of the curtilage listed building and its setting. The proposal is therefore considered to comply with policies HER SP1 and HER DM1 of Arun Local Plan

SUMMARY

The application site is outside the defined built-up area boundary of Ford and is therefore contrary to policies C SP1 of the Arun Local Plan (ALP) 2011 - 2031 which seeks to protect the countryside. This policy is up to date as the Council can now demonstrate a 5.3 year supply of housing land through the recently adopted Local Plan 2011 - 2031. NPPF paras 11 and 12 supports refusal of such applications where there is an up-to-date plan.

However, there are other material considerations which warrant approval of the application contrary to this policy. These are that the proposal would not result in material harm to the character of the area or unacceptably visually erode the appearance of the countryside or the setting of the listed building. These favourable material considerations need to be considered against the adverse impact on the residential amenities of the occupiers by way of excessive noise levels that would arise. On the basis that there is an extant permission on the site, albeit for one unit less, which could be developed in the same location as the current proposal and there are no bedroom windows facing the railway line within 10m of the boundary, it is considered that the application is consistent with the extant scheme and on that basis the application is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Exiting Site Location Plan (9-) 1 rev A;

Proposed Block Plan with Building Outline of Original Approval (9-) 6 rev E;

Proposed Plans and Elevations (00)1 rev H;

Proposed Bib Store (90) 2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2017) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 4.69 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy WDM2 of the Arun Local Plan.

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

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

pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

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

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

- 6 All activity at the site shall be carried out in strict accordance with: - BS5837 Tree Constraints, Impact Assessment and Tree Protection, Method Statement Report Ref: 10 July 18 rev 7th May 2019 - BJU/mmi (B J Unwin Forestry Consultancy).

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 Retention and Protection Plan Dwg-No: WATERTRP-MAY19.

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.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area in accordance with policy DDM1 of Arun Local Plan.

- 7 No development shall be carried out until an acoustic report is carried out and submitted in order to assess the noise and vibration affecting the residents in the new layout and to identify what, if any, mitigation is needed.

The acoustic report and any proposed mitigation scheme should demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. The scheme should also take into account the correct number of air changes required for noise affected rooms.

Reason:

To protect the residential amenities future occupiers of the development in accordance with policies DDM1 and QE DM1.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the internal layout of the building shall not be altered in any way unless permission is granted by

the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the layout of the development in detail, given the close proximity to the railway line, in the interests of the amenities of proposed residential occupiers in accordance with policy DDM1 of the Arun Local Plan.

- 9 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

- 10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 11 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 12 INFORMATIVE: It is recommended that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

- 13 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, 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.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330, 303 0119) or www.southernwater.co.uk.