

Recommendation Report for Planning Permission

|           |                                                                                                                                                                                                                                                                          |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| REF NO:   | LU/218/21/PL                                                                                                                                                                                                                                                             |
| LOCATION: | Land adjacent to<br>Toddington Lane Farm Cottages<br>Toddington Lane<br>Littlehampton<br>BN17 7PP                                                                                                                                                                        |
| PROPOSAL: | Erection of a semi-detached building comprising 2 No x 2 bedroom houses with associated parking and landscaping works (resubmission following LU/58/21/PL). This site may affect the setting of a listed building & is in CIL Zone 2 and is CIL Liable as new dwellings. |

## SITE AND SURROUNDINGS

|                                       |                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | It is proposed to develop the site with two, 2-storey semi-detached, 2 bedroom dwellings with 4 parking spaces to the front of the dwellings. The plans fully detail cycle and bin stores (located in the rear gardens), hard landscaping and solar panels on the rear roof plane.                               |
| SITE AREA                             | 0.05 hectares.                                                                                                                                                                                                                                                                                                   |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 40 dwellings per hectare.                                                                                                                                                                                                                                                                                        |
| TOPOGRAPHY                            | Predominantly flat. The site is relatively level, with a gentle slope running from north to south with a railway line at its most southerly boundary.                                                                                                                                                            |
| TREES                                 | None of any significance affected by the development.                                                                                                                                                                                                                                                            |
| BOUNDARY TREATMENT                    | Some intermittent hedging/fencing.                                                                                                                                                                                                                                                                               |
| SITE CHARACTERISTICS                  | Area of wasteland devoid of any structures or current use.                                                                                                                                                                                                                                                       |
| CHARACTER OF LOCALITY                 | Former area of horticultural nurseries with sporadic housing including new build development sites. The site is sandwiched between a residential site to the west and a terrace of three dwellings to the east. The railway line is beyond the southern boundary and a development of 10 dwellings to the north. |

## RELEVANT SITE HISTORY

|             |                                                                                                                                                                                                                                    |                     |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| LU/58/21/PL | Erection of a semi-detached building comprising 2 No. 3 bedroom house with associated parking & landscaping. This application may affect the setting of a listed building and is in CIL Zone 2 and is CIL Liable as new dwellings. | Refused<br>23-04-21 |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

|              |                                                                                                                                                                                                                                     |                                                |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| LU/162/17/PL | Demolition of existing building, erection of 10 residential dwellings (Use Class C3) with associated open space, landscaping, parking, and access. Departure from the Development Plan.                                             | Refused<br>21-11-17                            |
|              |                                                                                                                                                                                                                                     | <b>Appeal: Allowed+Conditions<br/>07-01-19</b> |
| LU/116/13/   | Demolition of existing commercial properties and erection of 63 residential dwellings, incorporating 16 affordable dwellings, parking provision, access and landscaping - This application is a Departure from the Development Plan | App Cond with S106<br>11-12-13                 |

LU/58/21/PL was refused in April 2021 for the following reasons:

(1) The site, by virtue of its size and depth, is considered unsuitable and insufficiently large to accommodate 2 dwellings and private amenity space satisfactorily without significant damage to the character of this established residential area. The proposal would result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policies D DM1 and D SP1 of the Arun Local Plan and Part P of Arun Design Guide.

(2) The limited amenity space proposed would result in a form of development which would be detrimental to the residential amenities of future occupiers contrary to policy DDM1 (15) and QE SP1 of the Arun Local Plan and Part H of the Arun Design Guide.

LU/162/17/PL relates to the neighbouring site to the north of the application site whilst LU/116/13 refers to residential development on a site to the west.

## REPRESENTATIONS

Littlehampton Town Council - no objection provided that the necessary infrastructure is in place.

## COMMENTS ON REPRESENTATIONS RECEIVED:

The application will be required to make a CIL contribution which will be used to fund infrastructure in both the Littlehampton area and the wider district.

## CONSULTATIONS

## CONSULTATION RESPONSES RECEIVED:

NETWORK RAIL - no objection and requests an informative.

WSCC HIGHWAYS - no objection subject to conditions to secure electric vehicle charging, car parking and cycle storage. State:

- the application is supported by a Transport Statement;
- it is proposed to use the existing vehicular access on Toddington Lane;
- Whilst visibility is substandard, it was determined during the previous application appeal at the adjacent site that visibility is acceptable for the anticipated road speeds in this location;

- not anticipated that two dwellings give rise to material intensification of movements to/from the site;
- no recorded injury accidents attributed to road layout within the vicinity of the site;
- the parking provision is sufficient;
- the transport statement demonstrates the parking area can accommodate on-site turning and refuse vehicles and fire appliances can turn in the wider site to gain access to the proposed dwellings; and
- the site is sustainably located allowing trips by bus, cycle and on foot.

ADC ENVIRONMENTAL HEALTH - no objection and advise conditions regarding contamination, sound insulation, construction hours, a construction management plan and new lighting.

ADC DRAINAGE ENGINEERS - no objection subject to standard drainage conditions.

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

- the following listed buildings are nearby: Toddington House, The Old Farmhouse & Holly Cottage, Dovecote at Toddington Farm and are all of architectural and historic significance;
- the site is in an area where a significant amount of new development is taking place and there is a 10 dwelling scheme just to the North;
- the houses are of a simple appearance, reflective of those built as part of various housing estates in the immediate area;
- their success will depend upon the quality of the building materials used; and
- the settings of the listed buildings have already been impacted upon as a result of the existing & emerging development in the local area.

COUNCILS ARCHAEOLOGIST - no objection. State "It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified."

COUNCILS ECOLOGIST - no objection subject to conditions to secure a bat friendly lighting scheme, provide a bat box, use a precautionary approach to clear the site, protect birds nest, provide a bird box, provide a hedgehog nesting box, search the site for hedgehogs prior to construction and secure the construction site to prevent harm to small mammals.

#### **COMMENTS ON CONSULTATION RESPONSES:**

WSCC HIGHWAYS - No cycle storage condition is required as the application includes full details of these.

ADC ENVIRONMENTAL HEALTH - the applicant supplied a noise survey, construction management plan (CMP) and preliminary contamination assessment and that these were submitted with the previous application. As a CMP has been provided which Environmental Health have not commented on (either now or on the previous application) and as WSCC do not request a CMP condition, it will not be imposed. However, the noise and contamination conditions will be imposed due to the need to carry out a full contamination investigation and seek agreement of mitigation measures (for both noise and contamination).

COUNCILS ECOLOGIST - the protection of bird nests is covered by separate legislation so it would not be appropriate to impose a condition

Otherwise, comments noted and conditions imposed.

## POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;  
Part of a committed Strategic Housing Site;  
CIL Zone 2;  
Current & Future Flood Zone 1;  
Archaeological Notification Area; and  
15m of Railway.

## DEVELOPMENT PLAN POLICIES

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

|        |                                                        |
|--------|--------------------------------------------------------|
| 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           |
| ENVDM5 | ENV DM5 Development and biodiversity                   |
| HDM1   | H DM1 Housing mix                                      |
| HSP1   | HSP1 Housing allocation the housing requirement        |
| HWBSP1 | HWB SP1 Health and Wellbeing                           |
| INFSP1 | INF SP1 Infrastructure provision and implementation    |
| QESP1  | QE SP1 Quality of the Environment                      |
| 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      |
| TELSP1 | TEL SP1 Strategic delivery of telecomms infrastructure |
| TSP1   | T SP1 Transport and Development                        |
| WDM3   | W DM3 Sustainable Urban Drainage Systems               |
| WMDM1  | WM DM1 Waste Management                                |
| WSP1   | W SP1 Water                                            |

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)      The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2      A Spatial Plan for the Town

## PLANNING POLICY GUIDANCE:

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

## SUPPLEMENTARY POLICY GUIDANCE:

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The relevant policies (1 & 2) of the Littlehampton Neighbourhood Development Plan (LNDP) are considered within this report.

**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 not cause demonstrable harm to the character of the area, to the amenity of existing residents or future occupiers and would not result in a severe impact on the local highway.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with this in that it has no impact on the setting of the nearby Listed Buildings.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS**

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "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". Any conflict between the ALP and the LNDP should therefore be resolved in favour of the ALP.

The site is an overgrown area of land not currently being used for any purpose. Before this part of Toddington Lane was allocated as a strategic housing site it occupied a countryside location and was used for storage. However, the adjoining land is currently being developed for housing and this site has been included in a strategic housing allocation and is also now within the Built Up Area Boundary.

Development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and policies 1 & 2 of the LNDP provided it is in accordance with other policies of the development plan covering such issues as character/design, highway safety/parking, heritage, residential amenity, space standards, climate change and biodiversity. The site is in a sustainable location with potential for trips to be made on foot, by cycle, by rail or bus.

#### HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. Proposals will be supported where they explain 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.

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes/facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network. The Council has adopted a Parking Standards Supplementary Planning Document (SPD).

The proposal will use an existing access to which WSCC Highways raise no concerns. The Parking SPD requires 2 spaces per dwelling plus a 20% visitor parking provision (so 4.2 spaces). There is a shortfall of 0.2 spaces on the proposal but this is acceptable given that it reflects less than half a space and that residents do not need to own a car to access local facilities and services.

The SPD sets out standards for cycle parking and would require 2 covered spaces per dwelling. Full details of cycle storage in rear garden sheds are included and so a condition is not necessary.

The proposal is in accordance with ALP policies T SP1 & T DM1 and the NPPF.

#### HERITAGE ASSETS:

There are four Grade II Listed Buildings in the local area. Toddington House is approximately 68m away to the south east but beyond the railway line, beyond intervening development and on the other side of Toddington Lane. The Old Farmhouse & Holly Cottage and Dovecote at Toddington Farm are further away (approx. 95m) to the north east again with intervening development and Toddington Lane in between. ALP policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Para 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must consider the level of harm associated with the proposal and decide

there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any identified harm with the level of public benefits associated with the proposal.

The applicants have not provided any assessment of heritage however, the Conservation Officer has been able to assess the proposal and the comments are set out in full on the Councils website and summarised above. The Conservation Officer considers the proposal will not result in any harm to the heritage assets or their setting and as such should be determined in accordance with the relevant development plan policies and the Act. As there is no harm identified, it is not necessary to consider public benefits.

The two dwellings will not affect the character or the setting of the nearby Grade II Listed Buildings particularly given the distance these are from the site and the intervening built and physical features that are in between the site and the assets. There is no conflict with any of the relevant development plan policies or the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal accords with the relevant development plan policies and the guidance within the NPPF.

#### CHARACTER & DESIGN:

ALP policy D SP1 states development should seek to make efficient use of land but reflect the characteristics of the site and local area. Policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

The National Design Guide is a material consideration and states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing.

The Arun Design Guide was adopted in January 2021 and is a material consideration in determining applications. Section P requires infill development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality infill development which enhances amenity for surrounding and new residents. The guidance states that in most cases, new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as windows, doors and walls.

The previous application was partly refused on the grounds that the size of the site was not suitable to accommodate the dwellings without harm to character. It was stated the development would be cramped. The previous proposal was a larger form of dwelling which occupied a greater coverage of the plot, extending deep into the site and with a varied building line. The new scheme is for an almost square shaped arrangement of semi-detached dwellings with a traditional form/design. The current proposals reduced the overall internal floor area from 196m<sup>2</sup> to 162m<sup>2</sup> also with 1 less parking space.

The houses do not occupy the same building line as the terraced cottages to the east but this is acceptable due to the need to accommodate car parking spaces and due to there being a 15m distance to the nearest cottage with garden land in between. The dwelling heights are appropriate and do not include any loft accommodation. The dwellings have been designed by the same architectural practice as those that designed the site located immediately to the north. This ensures that they have a similar height, roof form, scale, bulk, mass and appearance to surrounding development.

The Design Guide promotes higher densities in urban and town centre areas stating that 10-20 dwellings

per hectare is appropriate for semi-detached dwellings in suburban centres. The density of 40 dwellings per hectare is higher than this range and greater than adjoining sites. Given the small scale of the proposal (2 houses) it is not considered that this will have a noticeable impact on local character. There are also no other harmful impacts identified and the Design Guide advises that each scheme is to be assessed based on the context, accessibility, the proposed building type, form and character of the development of the individual site.

The development, as revised, will not be harmful to local character and the proposal therefore complies with the relevant development plan policies and the Arun Design Guide.

#### RESIDENTIAL AMENITY:

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

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either front to back or side to side but it is normally expected that side windows are discrete, serve secondary rooms/areas and can be obscure glazed without harm to the amenity of future occupiers.

There are no windows in the side elevations of the dwellings and they are of a sufficient distance from adjoining properties to not result in any materially adverse effect on the residential amenities of existing occupiers from adverse overlooking, overshadowing or overbearing impacts. There is no conflict with the relevant policies or the Design Guide.

#### QUALITY OF ACCOMMODATION:

ALP policy D DM2 states internal spaces should be of an appropriate size and the Nationally Described Space Standards provide guidance. The required internal space standard for a 2 storey, 2 bedroom, 4 person house is 79m<sup>2</sup> and both dwellings have a general internal area of 81m<sup>2</sup> so complies with the requirement.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;

The scheme has 10m deep rear gardens and 1m deep front gardens. Whilst there is some shortfall against the guidance, this is acceptable given that the dwelling fronts are further set back from the road with their parking spaces in front. In terms of the rear garden, the 10.5m distance is partly required to ensure a 21m distance between facing windows but this is not an issue due to the railway line. A refusal on grounds of a 0.5m deficit versus adopted guidance (not policy) would not be sustainable. The application also proposes 2.2m high timber acoustic fencing which would run across the southern boundary and then lower to 2m along the garden sides thus further ensuring usability of the space.

The scheme provides a decent standard of amenity for future occupiers and there is no conflict with any

of the policies.

#### BIODIVERSITY:

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The application is accompanied by an ecological appraisal which found no clear evidence of any protected species but makes recommendations to protect any that may use the site. The Council's ecologist recommends conditions to secure wildlife enhancement measures which will protect species and ensure the scheme results in biodiversity net gain. This would satisfy the policy requirements.

#### CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application indicates solar panels on the roof and there is a section in the Design & Access Statement which sets out other sustainability features. It is necessary to impose a condition to secure the precise details of these and to secure electric vehicle charge points. This will ensure compliance with the policies.

#### SUMMARY:

This proposal will not result in any demonstrable harm to heritage assets or local character, will not harm the amenity of existing residents and will not have a materially adverse impact on the safety of the highway. It will also ensure a decent standard of amenity for future occupiers. Therefore, it is recommended that permission be granted in accordance with the following conditions.

#### **HUMAN RIGHTS ACT**

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

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

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

## CIL DETAILS

This is a CIL Liable development. It is in Zone 2 and a CIL amount of £24,227.25 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). The Parish Council would receive a 25% share of this money subject to whether any relief is claimed.

## 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 and documents.

SITE PLAN AS PROPOSED DWG 2.01 REV C;  
ELEVATIONS & PLANS AS PROPOSED DWG 2.02 REV C;  
LOCATION PLAN AND BLOCK PLAN DWG 2.03 REV C;  
LOCATION PLAN AS PROPOSED DWG 2.04 REV C; and  
CONSTRUCTION MANAGEMENT PLAN REF 10053C ISSUE 3 (Feb 2021).

All works shown by these plans including the bin storage spaces and cycle stores shall be permanently retained and maintained.

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

- 3 The development hereby approved shall be implemented in accordance with the precautionary approach, mitigation measures and other enhancements as set out in the approved Preliminary Ecological Appraisal (May 2020) including those items listed below. These measures shall be implemented in full and permanently adhered to throughout the development to the satisfaction of the Local Planning Authority.

- The sensitive removal of any scrub, grassland or ruderal vegetation utilising a two phased cut;
- The site must be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats;
- Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs so these piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition; and
- Any trenches, pits or holes should be covered overnight, or a means of escape made available and any hazardous chemicals need to be suitably stored away so animals cannot access them.

Reason: To mitigate harm during construction to bats, birds, badgers & small mammals, reptiles and other wildlife species in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00

hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan.

- 5 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) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for the development, including full details of physical works on the site, shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 6 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 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.

- 7 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

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

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

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

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

- 8 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 any existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 9 No development above damp proof course (DPC) level shall take place unless and until a biodiversity enhancement plan has been submitted for approval in writing by the Local Planning Authority. The plan shall be based on the enhancements identified in the approved Preliminary Ecological Appraisal (May 2020) and also include the following specific requirements:

- the placement of at least 1 bat brick and at least 1 bird box. The bat brick shall be situated facing south/south westerly and positioned 3-5m above ground and the bird box should face towards nearby foraging habitat such as trees/hedges.
- the placement of at least 1 hedgehog nesting box within one of the gardens to provide future nesting areas for hedgehogs.

There may be some crossover between these requirements and those of the landscaping plan and so it would be acceptable to combine the two together into one drawing together with the necessary supporting details. The approved details shall be implemented in full and permanently retained thereafter.

Reason: To mitigate harm to bats, birds, badgers & small mammals, reptiles and other wildlife

species in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until details of all new screen fences (including the proposed acoustic fencing) have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen fences associated with them have been erected. The details to be provided shall also ensure that gaps are provided at the bottom of new boundary fences to ensure that hedgehogs and other small mammals are able to move into/out of and through the development.

Reason: In the interests of amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

- 12 No development above damp proof course (DPC) level shall take place until a scheme has been submitted to 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. Details compiled by a competent acoustician on sound insulation and noise reduction for buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the dwellings and be retained thereafter.

In addition, a scheme to 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 & noise reduction for proposed developments shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp proof course (DPC) level. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of future local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 13 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 consider 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.

- 14 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate provision for the parking and turning of vehicles is provided for the development in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings has been submitted to the local planning authority for approval in writing and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 16 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting that illuminates the eastern hedgerow. The lighting approved shall be installed and maintained in accordance with the approved details.

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

- 17 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no rear extensions or roof extensions/alterations 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 amenity of future occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Arun Local Plan policies QE SP1, QE DM1 and D DM1 of the Arun Local Plan.

- 18 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.

- 19 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.
- 20 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.
- 21 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act, 1990 and the Clean Air Act, 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.
- 22 INFORMATIVE: Please have regard to the comments made by Network Rail on 08 September 2021 in respect of Future Maintenance, Drainage, Plant & Materials, Scaffolding, Piling, Fencing, Lighting, Noise & Vibration, Vehicle Incursion, Landscaping and Property Rights as set out in their consultation comments present on the Council's website. Network Rail also strongly recommends that the developer writes to [AssetProtectionLondonSouthEast@NetworkRail.co.uk](mailto:AssetProtectionLondonSouthEast@NetworkRail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with them to enable approval of detailed works. More information can also be obtained from their website at [www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-andoptimisation/](http://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-andoptimisation/).
- 23 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](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents which is available to read on <https://beta.southernwater.co.uk/infrastructurecharges>.
- 24 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.