

Recommendation Report for Planning Permission

REF NO: LU/284/19/PL

LOCATION: 1A &1B Northway Road  
Littlehampton  
BN17 7JX

PROPOSAL: 2 No semi detached 3 bed houses.

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| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                                       |                                                                                                                                                                                     |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | The application proposes the erection of 2 no. semi-detached 3 bedroomed houses.                                                                                                    |
| SITE AREA                             | 0.0524 hectares                                                                                                                                                                     |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 38 dph (proposed)                                                                                                                                                                   |
| TOPOGRAPHY                            | Predominantly flat. Site is higher than Northway Road by approximately 0.5 metres.                                                                                                  |
| TREES                                 | None of any significance affected by the proposed development.                                                                                                                      |
| BOUNDARY TREATMENT                    | Hedging/fencing to rear gardens and site frontage to approximately 2 metres.                                                                                                        |
| SITE CHARACTERISTICS                  | Empty overgrown site. Shed in corner.                                                                                                                                               |
| CHARACTER OF LOCALITY                 | Residential comprising predominantly 2 storey terraced properties of similar appearance, uniformly set back from narrow unadopted road frontage with relatively long front gardens. |

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| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|              |                                                                                   |                                  |
|--------------|-----------------------------------------------------------------------------------|----------------------------------|
| LU/291/15/PL | 2 No. semi-detached houses (resubmission following LU/380/14/PL).                 | App Cond with S106<br>24-02-16   |
| LU/380/14/PL | 2 No semi detached houses & garages including vehicular access onto Northway Road | Refused<br>16-02-15              |
| LU/240/98/   | 2 no. houses and garages including vehicular access onto Northway Road.           | ApproveConditionally<br>14-01-99 |
| LU/32/94     | Terrace of 3 x 2 storey starter homes (revision to                                | Refused                          |

LU/226/93)

31-03-94

**Appeal: Dismissed**  
14-12-94

LU/226/93

Terrace of 3 x 3 storey starter homes

Refused  
26-10-93

A number of previous applications have been submitted and determined on this site which relate to the erection of 2 no. semi-detached properties. The most recent application (LU/291/15/PL) was approved subject to conditions. This consent then later lapsed having not been implemented. This application seeks to re-apply for this lapsed consent. This comprises a material consideration of significant weight in the assessment of this application.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No objection.

Three letters of objection have been received. These detail the following:

- Northway Road is unadopted and privately owned and permission has not been granted for access
- Road surfaces, verges and trees are currently maintained by residents of Northway Road and not WSCC/ADC - the Council are not in a position to grant access to the proposed site, either for development or ongoing residential use
- Are WSCC planning to adopt Northway Road on the back of any approval of this application?
- Parking is at a premium in the street and will result in increased pressures on the busy A284 Lyminster Road, or potentially blocking access to other driveways
- Development is not sustainable and does not seem to have been addressed in the WSCC Consultation paper
- Placement of windows would block a significant amount of the light due to the close placement to neighbouring boundaries
- Concerns over the ability for the land to support the structure intended
- Foundations would have to be significantly deeper than on neighbour's extension and would cause problems to their build
- Use of title 1A and 1B Northway Road is misleading as the application relates to Lyminster Road or Worthing Road
- Land is subject to restrictive covenants
- Access to services (i.e. water, sewage etc) would not be possible from Northway Road as it would require crossing the disputed land
- Road was built pre-1934 and was never built to the required standards. Construction traffic would badly damage the road and it's the responsibility of the residents to repair and maintain the road and banks
- Concern over where the waste/sewerage from the new build will go as residents are responsible for the drainage/sewerage pipes

### COMMENTS ON REPRESENTATIONS RECEIVED:

Concerns relating to the private ownership of Northway Road fall outside of the remit of the planning system and are therefore not given material weight in the assessment of this proposal. Concerns

relating to foundations of the building would be covered under the separate and subsequent Building Control process. They are therefore given no weight in the assessment of these proposals. Matters relating to parking, sustainability, residential amenity/privacy and access to services are detailed in the following sections of this report.

## CONSULTATIONS

Engineering Services Manager  
Engineers (Drainage)  
WSCC Strategic Planning  
Parks and Landscapes  
Environmental Health  
Ecology Advisor  
Ecology Advisor

### CONSULTATION RESPONSES RECEIVED:

ECOLOGY OFFICER (12 February 2020)

BATS - Bat bricks, tiles or tubes integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

REPTILES - Approach within Section 7.3 of the Preliminary Ecological Appraisal (Jan 2020) is suitable. Condition should be used to ensure this takes place.

BADGERS - Trenches should be covered overnight and means of escape made available. Hazardous chemicals need to be suitably stored away.

FOXES - Approach within Section 7.3 of the Preliminary Ecological Appraisal (Jan 2020) is suitable.

NESTING BIRDS - We would like a number of bird boxes installed on the building and/or trees within the garden of the property.

BIODIVERSITY NET GAIN - Enhancements proposed are sufficient. A condition should be used to ensure this takes place.

ENVIRONMENT OFFICER (30 September 2019)

The Preliminary Ecological Assessment (May 2015) has been submitted with this application is out of date. Following Natural England's guidance surveys are only valid for 2 - 3 years. We require an updated phase one habitat survey and it may also be necessary that a reptile activity survey would be required due to the suitable habitat onsite for reptiles. The original survey determined that precautions for bats, nesting birds, badgers and hedgehogs along with reptiles will be required. These will need to be considered as part of the updated report.

### WSCC HIGHWAYS

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Conditions relating to cycle parking and car parking are proposed. Informatives regarding the street lighting pole and private lane are recommended.

### SURFACE WATER DRAINAGE

No surface water drainage strategy has been supplied. If you are minded to approve the application please apply the detailed conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere.

**COMMENTS ON CONSULTATION RESPONSES:**

Following the response received from the Environment Officer the applicant commissioned an Extended Phase 1 Habitat Survey which has now been assessed and found to be acceptable. All other comments are addressed in the following sections of this report.

**POLICY CONTEXT**

Designation applicable to site:

- Built-Up Area Boundary
- Archaeological Notification Areas

**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                                 |
| ECCDM1 | ECC DM1 Renewable Energy                     |
| ECCSP1 | ECC SP1 Adapting to Climate Change           |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |
| QESP1  | QE SP1 Quality of the Environment            |
| SDSP1  | SD SP1 Sustainable Development               |
| SDSP1A | SD SP1a Strategic Approach                   |
| SDSP2  | SD SP2 Built-up Area Boundary                |
| TSP1   | T SP1 Transport and Development              |
| WDM1   | W DM1 Water supply and quality               |
| WDM2   | W DM2 Flood Risk                             |
| WDM3   | W DM3 Sustainable Urban Drainage Systems     |
| WMDM1  | WM DM1 Waste Management                      |
| WSP1   | W SP1 Water                                  |

[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:**

|      |                                     |
|------|-------------------------------------|
| 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 the Littlehampton Neighbourhood Development Plan (2014 - 2029). There are no policies contained within the Made Littlehampton Neighbourhood Development Plan that would impact upon the determination of this application.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the development accords with the policies contained within the Development Plan. Owing to the the Council's 5 year Housing Land Supply position, the contents of the National Planning Policy Framework are to be held as an overriding material consideration in accordance with footnote 7 of the 2019 Framework. However, the relevant Development Plan policies are considered to accord with the NPPF provisions.

## OTHER MATERIAL CONSIDERATIONS

There have been no material considerations identified that would warrant a decision other than in accordance with the legislative background.

## CONCLUSIONS

### PRINCIPLE

Arun District Council are unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which therefore triggers the presumption in favour of sustainable development under footnote 7 of and paragraph 11(d) of the National Planning Policy Framework (2019). Applying the presumption in favour of sustainable development for decision taking means granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 8 of the National Planning Policy Framework outlines the three overarching objectives to achieve sustainable development in the planning system; comprising economic, social and environmental objectives. The development would provide housing in a sustainable location that would provide access to jobs which would support the local economy (economic). The development would support a mix of housing throughout the District that could meet the needs of present and future generations (social). The development would make an effective use of land on a sustainably located site (environmental).

However, paragraph 11(d)(ii) makes clear that decisions should be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A full assessment of all matters and their significance are outlined in the below assessment.

### DESIGN AND VISUAL AMENITY

Paragraph 127 of the National Planning Policy Framework requires planning decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should be visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscaping setting and maintain a strong sense of place, using the arrangement of streets, spaces,

building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 130 of the National Planning Policy Framework makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy D SP1 of the Arun Local Plan requires development proposals to make efficient use of land but reflect the characteristics of the site and layout area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Local Plan Policy D DM1 and Policy 22 of the Littlehampton Neighbourhood Plan sets out a 15 point criteria against which development should be assessed.

The dwellings comprise a set of semi-detached buildings which is accordant with most other properties within the Northway Road locality. The proposed eaves and ridge lines are consistent with the neighbouring properties which would reinforce the character of the area. The proposed part-hipped roof form is characteristic of the area which would reinforce features of local distinctiveness. The fenestration of windows, sizes and openings are consistent with neighbouring properties which would ensure the building appears as part of the overall streetscape.

No definitive materials palette has been provided on the plans. Therefore, a condition requiring the submission of a materials schedule (and where appropriate samples) shall be imposed to ensure accordance with the character of the wider area.

The proposed design mirrors the previously approved design under lapsed planning permission LU/291/15/PL. Whilst the dwellings would be set further back than the established pattern of development in Northway Road they would still relate well to the Northway Road frontage. This layout was considered acceptable within LU/291/15/PL and would not be considered problematic in this instance.

Taking the above assessment into account, the development would result in a high quality design that accords with the contents of paragraphs 127 and 130 of the National Planning Policy Framework, Policies D SP1 and D DM1 of the Arun Local Plan and Policy 22 of the Littlehampton Neighbourhood Plan.

#### INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards provide the current guidance.

Both dwellings comprise 3 bedroom 5 person households. Therefore a total of 95.5 sq/m of GIA is required. The dwellings comprise 98 sq/m (GIA) and would therefore accord with the minimum internal space standards. The development therefore accords with Policy D DM2 of the Arun Local Plan.

#### NEIGHBOURING AMENITY

Paragraph 127(f) of the National Planning Policy Framework (2019) requires planning decisions to create places with a high standard of amenity for existing and future users.

Policy QE SP1 of the Arun Local Plan requires development to not have a significantly negative impact upon residential amenity. Further, paragraph 127(f) of the NPPF requires planning decisions to create places with a high standard of amenity for existing and future users.

The proposed western dwelling would be located approximately 20m to the rear elevation of No. 26

Lyminster Road. Further, the eastern dwelling would be located approximately 1m to the boundary of the adjacent property along Northway Road, which comprises a side elevation. Application LU/291/15/PL considered this relationship to be acceptable subject to imposition of conditions relating to opaque glazing and fixed shut nature of first floor windows serving bathrooms on the western and eastern elevations and conditions relating to removal of permitted development rights relating to insertion of additional windows. The rationale behind the imposition of these conditions remains the same and such conditions would still meet with the tests outlined in paragraph 56 of the 2019 Framework.

Subject to the imposition of these conditions, the development would safeguard the amenities of both the future and neighbouring residents and not give rise to any impacts upon privacy or neighbouring amenity. Therefore, the development accords with the contents of paragraph 127(f) of the National Planning Policy Framework and Policy QE SP1 of the Arun Local Plan.

#### HIGHWAYS, TRANSPORT AND PARKING

Paragraph 108 of the National Planning Policy Framework states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development to incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision, taking into consideration the impact of development upon on-street parking.

The Arun District Council guidelines require 2 spaces per 3 bedroom dwelling in this location (Parking Behaviour Zone 2). This provision is consistent with earlier WSCC guidance. The development provides for 2 no. off street car parking spaces for each dwelling which therefore accords with the guidelines set out by Arun District Council. West Sussex County Council have not raised any objection within their formal consultation response, subject to imposition of appropriately worded conditions.

Paragraph 110 of the National Planning Policy Framework requires development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. To conform with this requirement, a condition will be imposed requiring the parking spaces to be served by EV charging in accordance with the requirements set out in Arun District Council guidance.

Taking the above into account, the development would provide for the transport demands created in accordance with paragraphs 108 and 109 of the National Planning Policy Framework, Policy T SP1 of the Arun Local Plan and accordance West Sussex County Council: Guidance on Parking at New Developments SPG (March 2019) and Arun District Council Parking Standards).

#### BIN AND CYCLE STORAGES

The applicant has indicated on the submitted plans the areas to be used for bin storage. Details have been provided on the hard landscaping plan which comprise a 1.8m timber fence. Fencing at 1.8m accords with the boundary treatments found which comprise the wider character of the area.

Policy T SP1 of the Arun Local Plan requires the Council to ensure that development promotes sustainable transport, including the use of the bicycle. WSCC guidelines set out the required provision which comprise 1 space per house (up to 4 bedrooms). This is consistent with Arun District Council guidance. The applicant has indicated cycle storage for up to 4 bikes to each house which would exceed the minimum standard required by WSCC and ADC guidance.

Taking the above into account, the development would accord with Policy T SP1 of the Arun Local Plan.

## LANDSCAPING

Policy D SP1 of the Arun Local Plan requires all development proposals to reflect the characteristics of the site and local area in terms of landscaping. The applicant has submitted a planting plan and hard landscaping plan which are considered to be acceptable.

A condition will be imposed requiring the development to be undertaken in accordance with the details, unless otherwise agreed with the Local Planning Authority in writing.

Subject to imposition of this condition, the development would accord with this part of Policy D SP1 of the Arun Local Plan.

## ECOLOGY

Policy ENV DM5 of the Arun Local Plan requires development schemes to, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also incorporate elements of biodiversity including bat and bird boxes, as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

The application was originally submitted with a Phase 1 Habitat Survey dated 2015. The Council's Environment Officer objected to the application on the basis that an out of date survey had been provided. The applicant has since submitted an updated Phase 1 Extended Habitat Survey which sets out a number of recommendations in Section 7 of the report. Conditions will be imposed relating to bird nesting seasons and the presence of a qualified ecologist, prior to the clearance of vegetation/buildings from the site, to ensure the ecological interests of the site are safeguarded. Such conditions accord with paragraph 56 of the NPPF.

The development would not implicate upon any existing protected species and would facilitate future habitats and species which would lead to a likely net gain in biodiversity. Taking the above into account, the development accords with Policy ENV DM5 of the Arun Local Plan.

## SURFACE WATER DRAINAGE

Policy W SP1 of the Arun Local Plan states that the Council will encourage water efficiency measures with development being encouraged to make active use of surface water as a design feature.

The applicant has detailed in their Design and Access Statement that drainage will comprise connections to the main sewer in the road and soakaways for rain water, calculated in accordance with BRE365. No definitive details have been provided evidencing that soakways would be sufficient and/or achievable.

The Council's Drainage Engineer has requested conditions to be imposed to provide details of percolation testing to BRE 365 to demonstrate this is achievable on the site. Subject to the imposition of the above condition, the development would accord with Policy W SP1 of the Arun Local Plan.

## ARCHAEOLOGY NOTIFICATION AREA

The application site falls within an Archaeological Notification Area owing to the Multi-Period Site at the former Toddington Nurseries and surrounding area. No desk based Archaeological Assessment has been submitted in support of the application.

Policy HER DM6 of the Arun Local Plan requires conditions to be attached to any permission granted that development will not take place until provision has been made by the developer for a programme of archaeological investigation and recording. Any such programme shall be carried out prior to the commencement of development.

Subject to imposition of the above condition, the development would accord with the contents of Policy HER DM6 of the Arun Local Plan.

#### 5 YEAR HOUSING LAND SUPPLY POSITION

Arun District Council are unable to demonstrate a 5 Year Housing Land Supply on the date of this assessment. The National Planning Policy Framework (July 2019) makes clear at paragraph 117 that planning decisions should promote an effective use of land in meeting the need for homes.

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 119 of the NPPF states that Local Planning Authorities should help to bring forward land that may be suitable for meeting development needs.

Paragraph 118(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops).

Paragraph 122 of the NPPF states planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Criteria (c) of paragraph 123 states that in this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Paragraph 127(f) of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

These revisions to the NPPF, dated July 2019, are given significant weight as material consideration in the absence of the Council being able to demonstrate a 5 year Housing Land Supply.

#### SUMMARY

The application has been assessed having regard to the tilted balance under paragraph 11(d) of the National Planning Policy Framework owing to the Council's current 5 year Housing Land Supply position. The above assessment has given regard to the principle of development, design and visual amenity, internal space standards, highways, transport and parking, neighbouring amenity, bin and cycle storage, biodiversity, ecology and archaeology. There have been no adverse impacts associated with the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole. Therefore, planning permission can be approved.

## 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

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 TP782/09 Site and Block Plan, TP782/10 Ground Floor Plan, TP782/11 First Floor Plan, TP782/12 Front and West Elevations, TP782/13 Rear and East Elevations and TP782/14 Street Scene.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy QE SP1, D DM1 and D DM4 of the Arun Local Plan.

- 3 Prior to the application of external materials on the development hereby permitted, a schedule of materials and finishes and samples of such 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 building/extension.

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 policies D DM1 and D DM4 of the Arun Local Plan.

- 4 No development shall take place until provision has been made for a programme of archaeological investigation and recording. The results following the carrying out of the archaeological investigation and recording shall be submitted to the Local Planning Authority for approval in writing.

Reason: The structure is potentially of archaeological importance and must be recorded

before alteration or demolition in accordance with policy HER DM6 of the Arun Local Plan.

- 5 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.

- 6 Prior to the commencement of the development hereby approved, 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; and 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 protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 7 No vegetation and building clearance shall be undertaken within the nesting bird season (March to September inclusive). Should vegetation and building clearance be required within these times then any vegetation and/or buildings to be removed or disturbed should be checked by a suitably qualified ecologist for nesting birds within 24 hours prior to works commencing.

Reason: To safeguard protected birds, species and habitats on site in accordance with Policies ENV SP1, ENV DM1, ENV DM3 and ENV DM5 of the Arun Local Plan.

- 8 No development above damp proof course level shall be undertaken until details providing the integration of bat bricks, tiles or tubes facing south/south westerly directions, positioned between 3-5m above ground, have been submitted and approved by the Local Planning Authority in writing. Once provided on site the agreed measures shall be maintained in perpetuity at all times thereafter.

Reason: To safeguard bats in accordance with policies ENV SP1, ENV DM1, ENV DM3 and ENV DM5 of the Arun Local Plan.

- 9 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 provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.

- 10 Prior to the occupation of the development hereby permitted 1 off-road vehicle parking space per dwelling hereby permitted shall be provided for electric charging of vehicles and retained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide for the car parking demands created by the development in accordance with policy T SP1 of the Arun Local Plan and paragraph 110 of the National Planning Policy Framework.

- 11 The development hereby permitted shall not be occupied until the landscaping (hard and soft) has been carried out in accordance with the details shown on plans TP782/21 and TP782/22. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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 and ENV DM4 of the Arun Local Plan.

- 12 No lighting shall be installed on any external areas of the dwellings or their gardens hereby permitted without the prior written consent of the Local Planning Authority. Any new lighting shall be designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bats, in accordance with recommendation R5 of the submitted Phase 1 Habitat and Biodiversity Survey produced by Middlemarch Environmental dated January 2020.

Reason: To safeguard protected birds, species and habitats on site in accordance with

Policies ENV SP1, ENV DM1, ENV DM3 and ENV DM5 of the Arun Local Plan.

- 13 No windows (other than those shown on the plans hereby approved) shall be constructed in the eastern or western elevations of the dwellings hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the eastern or western elevations at first floor level or above of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies D DM1 of the Arun Local Plan.

- 15 The windows at first floor level in the eastern and western elevations of the building shall at all times be and remain glazed entirely with obscure glass and be retained as non-opening/fixed shut at all times, unless otherwise agreed with the Local Planning Authority in writing.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 16 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.

- 17 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.

- 18 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.

- 19 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.

- 20      INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 21      INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.