

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: P/147/21/RES

LOCATION: Land adjacent to Sefter School House
Sefter Road
Bognor Regis
PO21 3EE

PROPOSAL: Approval of reserved matters following P/116/19/OUT for 4 No semi detached 3 bed & 2 No detached 4-bed dwellings with associated access, parking & gardens (resubmission following P/111/21/RES). This site is in CIL Zone 5 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 4 x semi-detached 3-bed dwellings and 2 x detached 4-bed dwellings with gardens, parking, communal areas, landscaping and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. Access was approved on P/116/19/OUT.

The houses will be two storeys (the additional roof space accommodation shown on the previous application has been removed). They have a mix of roof forms & heights with front and side gables and hips. Materials include red/brown bricks, off-white smooth render, white uPVC and man made slate tile roofing. The previous application included light/dark grey weatherboarding and this has been omitted. There are no precise details of materials and so a condition would be required.

The 3-bed dwellings have 2 parking spaces each and the 4 bed have 3 spaces. The layout shows 2 visitor spaces and 2 motorcycle spaces. Rear garden sheds provide cycle storage (2 cycles) but as there are no elevations a condition will be required. It is stated each house will have an electric car charge point but a condition would be required to secure the details of these. A communal bin store is shown on the layout plan and an elevation has been supplied. The layout includes a turning head.

A landscaping scheme (with separate accompanying specification) details the planting of 14 new trees, new hedgerows, planted beds, wildflower and grassed areas along with wildlife enhancement features. There is a small communal amenity area (60m²) within the layout and the verges either side of the access will be left natural/planted with

wildflowers.

The layout plans show new 1.8m timber fencing between the plots and a 0.9m high post and rail fence to the rear of the gardens to ensure unrestricted maintenance access to the stream bank and so wildlife can traverse the site. There will then be a short length of removable chain between the rear fence and the stream bank to define ownership and 3m wide (1.2m high) gates at plots 1 & 6 to prevent unlawful access to the rears of the six gardens.

SITE AREA	0.266 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	23 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but the site is higher than Sefter Cottage to the southwest.
TREES	None on site but significant off-site trees including overhanging the stream.
BOUNDARY TREATMENT	1m high timber fencing to the north western boundary with the dwellings. Hedging and part timber fencing to the western boundary. Open to the stream on the south east boundary. Currently hoardings to Sefter Road.
SITE CHARACTERISTICS	A former builders yard on the boundary of the Pagham Built-up Area. There is a stream running along the south eastern boundary.
CHARACTER OF LOCALITY	Semi-rural location. To the southwest, west and northwest the site adjoins the curtilages of existing two storey houses (4 in total) which back onto the site. These are fairly traditional in design befitting the rural location and have brick, flint & white painted brick elevations and slate roofs. To the east is Sefter Road with open farmland beyond. To the south, the site adjoins a strategic housing site allocated in the Arun Local Plan for which there is outline and reserved matters permission for up to 300 homes, an 80 bed care home, up to 4000sq.m of Class D1 uses (including primary school) and associated infrastructure. The recent reserved matters permission (P/132/20/RES) shows a large open area adjacent to the shared boundary with houses at least 100m away. House types closest to the site are two storeys with no roof accommodation and in brick or hanging tile.

RELEVANT SITE HISTORY

P/111/21/RES	Approval of reserved matters following P/116/19/OUT for the erection of 2 No detached houses & 4 No semi detached dwellings. This site is in CIL Zone 5 and is CIL Liable as new dwellings.	Refused 01-10-21
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P/132/20/RES	Approval of reserved matters following P/30/19/OUT for 300 No. new homes, internal roads, footpaths & cycleways, car parking & landscaping. This application affects the setting of a listed building & falls within Strategic Site H SP2, CIL Zone 1 (Zero Rated).	ApproveConditionally 10-09-21
P/116/19/OUT	Outline application with all matters reserved, except for access, for the erection of 4 No. semi-detached 3-bedroom houses & 2 No. detached 4-bedroom houses with associated access, parking & gardens. This application is a Departure from the Development Plan.	App Cond with S106 01-10-20

This application follows an outline permission granted in October 2020 (P/116/19/OUT). Application P/111/21/RES was refused in October 2021 for the following reason:

"By reference to the closeness of houses to each other, their internal size, their heights, proposed materials and the external garden depths, the proposal does not achieve a high standard of design quality, will adversely affect the character/appearance of this semi-rural location and represents an overdevelopment of the site in conflict with Arun Local Plan policies D DM1, LAN DM1 & D SP1, the Arun Design Guide SPD and the NPPF."

The changes made to the new application are considered to be positive and satisfy the previous concerns.

REPRESENTATIONS

Pagham Parish Council do not consider that the proposal has sufficiently resolved the previous refusal reason and objects for the following reasons:

- Parking is insufficient at 2 spaces per house and 2 visitor spaces.
- The access is not safe.
- Design is not appropriate for the rural location. Not in keeping with other properties in the area.
- The layout is not sympathetic to the rural location and does not accord with the principles in ADC's design code at Q.01 Rural Development.
- The positioning of parking does not meet design standard at Q.01 which asks that driveways are sited and designed so as not to dominate the front garden. There is limited landscaping proposed.
- Plots 1 & 2 have very limited outdoor space.
- There is limited communal open space provided. The area at the front of the estate, which would inevitably attract children as a play space, is too near the access to Sefter Road.

Two letters of objection on grounds of only slight changes from the refused scheme, layout too dense for a rural location, parking dominates the frontages, insufficient rear amenity space, layout not safe for children to play, overlooking of Sefter Cottage due to higher land levels (stated to be 2m higher) and contrary to Design Guide advice on rural development (particularly materials).

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council and objectors comments are noted and are discussed in the conclusions. However, the access arrangements were approved by P/116/19/OUT and cannot be reconsidered.

The concerns over the amount of development and the frontage parking are noted but it must be recognised that the outline permission was granted for 6 dwellings with a precise mix of dwelling sizes. The size and shape of the site makes it difficult to hide parking spaces from view and the need to ensure a 3m easement to the stream further reduces the site area. It is material that the houses will not front onto Sefter Road and frontage parking will not be so noticeable in the existing public realm.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - make no comments.

WSCC HIGHWAYS - no objection subject to conditions to secure the car/cycle parking spaces and electric vehicle charging infrastructure. State that:

- The access is onto a public highway in a rural setting which is subject to the national speed limit;
- The access was accepted on application P/116/19/OUT;
- Under Arun Parking Standards predict that 16 parking spaces would be enough for a development of this size & location and the proposal meets this; and
- The cycle parking provision is acceptable.

ADC DRAINAGE ENGINEERS - no objection with the following comments:

- Are pleased to see the 3m easement shown but question whether this has been measured from the edge of the stream or the top of the bank (it should be the latter);
- The applicant is reminded that there are three pre-commencement conditions (9, 10 and 11) relating to surface water drainage on application P/116/19/OUT and that condition 9 requires the provision of winter groundwater monitoring and winter infiltration testing to support the drainage design;
- The applicant is encouraged to contact ADC drainage engineers before undertaking these works to agree the level of monitoring and testing required (including test depths).

ADC ENVIRONMENTAL HEALTH - make no comments.

ADC LANDSCAPE OFFICER - no objection and comment that:

- Green infrastructure appears to have been considered in the layout proposals & detail provided further within the DAS document;
- Consideration has been made to the provision of new tree and shrub planting and has been detailed within the Outline Landscape Plan and accompanying Statement;
- The landscape scheme proposes a good mix of evergreen and deciduous mixed ornamental & native species;
- The plant choices will play a role in blending the development into this rural fringe site and will provide valuable biodiversity benefit as the planting establishes and the site matures.

COUNCILS ECOLOGIST - no objection and state the outline landscape plan is suitable and details appropriate site enhancements. The accompanying report needs to provide more details on how the habitats and enhancements onsite will be managed post construction. A condition should be used to ensure this.

COMMENTS ON CONSULTATION RESPONSES:

ADC DRAINAGE ENGINEERS - The applicant has clarified that the 3m easement has been measured from the top of the bank.

COUNCILS ECOLOGIST - Matters of ecology and biodiversity were considered on the Outline application and conditions imposed at that time. It would not be appropriate to impose new conditions.

Otherwise all comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Strategic Gap between settlements (Bognor Regis and Chichester);
Pagham Harbour Zone B;
2km of Pagham Harbour SSSI;
2km of Bognor Reef SSSI;
Sefter Farm Waste Consultation Area;
CIL Zone 5;
Flood Zone 1; and
Part Future Flood Zone 3.

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021
PDS	Pagham Parish Council's Village Design Statement by PaghamPC

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Where applicable, Neighbourhood Development Plan's, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no current Pagham Neighbourhood Plan to consider as the emerging Plan was withdrawn in September 2020.

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 results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing residents or the existing road network.

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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The principle of development was established by P/116/19/OUT which granted permission for 6 dwellings with access from Sefter Road. This permission established the principle of development with reference to flood risk, impact on wildlife, loss of agricultural land, countryside location, contamination, safeguarding of minerals/waste sites and impact on the Pagham Harbour Special Protection Area.

COMPLIANCE WITH THE OUTLINE:

Condition 20 imposed by the outline required the reserved matters be accompanied by an annotated site plan showing the siting, scale and nature of the proposed biodiversity enhancement measures and that these be in accordance with the Ecology Impact Appraisal and the Biodiversity Enhancement Statement submitted with the outline. The submission includes a drawing "Outline Landscape plan including biodiversity enhancements" together with a Landscape Specification document and these accord with the requirements of the condition.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1, D SP1 and LAN DM1 are all relevant in respect of good design and respecting & improving local character. Similarly, the NPPF seeks to ensure that new development is sympathetic to local character whilst at the same time achieving an efficient use of land.

The National Design Guide (NDG) has weight as a material consideration in the determination of this application. This 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 is a material consideration and section Q refers to rural development. This states new development should respect and enhance the distinctive rural character, use simple & unobtrusive design (comprising a rectangular floor plan and pitched or half-hipped roof - but exceptions will be made for quality design solutions) and reflect the height and footprint of buildings in the area. It states whilst front driveways are acceptable, these should be landscaped and not dominate front gardens with hard surfacing kept to a minimum.

Pagham has a Village Design Statement but this does not include any specific development criteria to new buildings in the rural area instead focussing on the need to limit development in such areas.

It is important to note that there is outline planning permission for 6 dwellings with a precise mix of dwelling sizes (4 x 3-bed semis and 2 x 4-bed detached). The outline description did not state "up to 6 dwellings" and it would not be possible to seek a lower number of dwellings or smaller size houses. It would not therefore be sustainable to refuse on the grounds of overdevelopment.

The layout broadly accords with illustrative drawings presented with the outline in that the dwellings are in a line extending back from the road, backing onto the stream and with parking and hard surfaced areas to their fronts. This results in significant hardstanding to the fronts of dwellings but the location of this to the frontage is acceptable given the size/shape of the site. The layout is further constrained by the need to provide a 3m easement to the stream and to provide wildflower meadows on the site frontage in accordance with ecological recommendations made at outline stage. Parking spaces are landscaped with small trees, planted beds and grassed areas - and due to their position in the site, they will not be so noticeable in the Sefter Road streetscene.

On the previous application, there was concern with the size of the dwellings and their proximity to each

other. Although it was acknowledged that outline permission had been granted for two pairs of semi-detached houses, it was considered that the resulting form of development was very urban in form and resembled a fairly solid rectangular mass of buildings.

This application responded to this concern by reducing the size of houses and increasing the gaps between them (from 2.1m to 3m) which increases the space for landscaping in public realm. It also introduces hipped roofs to the 3-bed semi-detached dwellings and drops the eaves height to sit at window head height. These changes are positive and the resulting streetscene appearance is considered to be much improved.

The removal of the previous roof level accommodation is more in character with the surrounding form of development as none of the four nearby houses have obvious 2nd floor roof accommodation. The applicant has removed weatherboarding from the scheme. All remaining proposed materials reflect the appearance of nearby houses. The Design & Access Statement (DAS) states the materials on each house have been chosen to reflect a gradual transition between materials present on the public facade of Sefter School House (brick) to the render present on its more private facade.

The DAS states the houses have been designed with a traditional architectural style to integrate them into the surrounding context and this is clear from the rectilinear forms and use of pitched roofs which are appropriate. Plot 1 has been designed to be a prominent statement building for the site and both this and plot 6 act as 'bookends' to the row of dwellings.

The scheme is much improved on the previous submission. The addition of 6 dwellings in this location will alter the character of the area and somewhat urbanise it but permission has been granted for the principle of 6 no 3 and 4 bed dwellings. The proposal is now in accordance with the relevant policies.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 and HWB SP1 are relevant and seek to ensure that sufficient public space is provided for health and recreation. The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The SPD sets out requirements for on-site public open space (POS) and play provision but there is no requirement for a site of this size to provide either. General greening and streetscene amenity space is however to be encouraged and it is noted that the scheme includes a small 60m² area of communal space. This is positive and there is no conflict with the stated policies. There are concerns as to safety of the communal space but it is set well back from Sefter Road and is proposed as a small additional space to complement the gardens and is not intended as a play space for young children.

LANDSCAPING & TREES:

ALP policies D DM1, LAN DM1 and D SP1 are all relevant in respect of landscaping. In addition, policy ENV DM4 seeks to protect important trees but there are no trees in the site area and it is clear those adjoining the site will not be affected by the proposed new buildings or hardstanding with the majority of these on the other side of the stream.

The landscaping scheme proposes 14 new trees, new hedgerows, planted beds, wildflower and grassed areas along with wildlife enhancement features. These will soften and green the development particularly the expanses of hardstanding to the fronts of the houses. The Landscape Officer has not raised any concerns with the proposals and so there is no conflict with the requirements of the relevant policies.

OTHER MATTERS:

(A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The development comprises 2 x 4 and 4 x 3 bed dwellings. As this excludes 1 or 2 bed dwellings, it is in conflict with the SHMA guidance however this is not intended as one rule to cover all sites and in any case, the proposed mix has to be in accordance with the outline description.

(B) Residential Amenity

ALP policies D DM1 and QE SP1 are relevant. The Council's Design Guide sets out guidance on 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.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

The layout has been checked and all dwellings are the required distances from existing residential properties and from each other. There is at least 27m from the front of plot 6 and the rear of Sefter School House. The concerns of Sefter Cottage to the southwest are noted and it is acknowledged that the site is higher than the level of this property. However, the rear windows of plot 6 are 36m from Sefter Cottage's rear garden and some 46m from their nearest windows.

The principle of development, number of dwellings and access arrangements have been agreed and there is to be expected some disturbance to nearby occupiers from occupiers and movements of the new residential dwellings. The access and parking area is adjacent on two sides to existing parking areas for adjacent properties thus limiting harm to nearby residential properties.

All relationships between proposed/existing and between proposed dwellings are acceptable and ensure a high standard of amenity for existing/future users. The scheme accords with ALP policies D DM1, QE SP1 and with the Design Guide. A condition was imposed on the outline permission to control lighting and this also ensures compliance with ALP policy QE DM2 (light pollution).

(C) Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use.

The site plan sets out the general internal floor areas for each dwelling. These have been checked and found to be accurate. The following demonstrates that all dwellings are in excess of the requirements and this is positive for the amenities of future occupiers:

- plot 1: 144m² vs 106m² requirement;

- plots 2/4: 105m vs 93m² requirement;
- plots 3/5: 127m² vs 93m² requirement;
- plot 6: 144m² vs 106m² requirement.

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

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

All plots have suitable front garden spaces with there being space between front doors and the plot's parking spaces. It was previously considered that the proposed rear gardens were not deep enough. To combat this, the applicant moved the houses slightly northwards/reduced their depth and clarified that plots will have ownership all the way to the bank of the stream albeit with a legal easement to maintain access and ensure no physical obstructions are placed within the 3m maintenance zone. The plans demonstrate the average garden depths (measured through the centre of each garden):

- Plot 1 - 9.3m to the end of the dividing fence / 12.7m to the stream bank;
- Plot 2 - 9m to the end of the dividing fence / 11.9m to the stream bank;
- Plot 3 - 10.8m to the end of the dividing fence / 14.3m to the stream bank;
- Plot 4 - 16.8m to the end of the dividing fence / 19.8m to the stream bank;
- Plot 5 - 22m to the end of the dividing fence / 27m to the stream bank;
- Plot 6 - 29m to the end of the dividing fence / 32m to the stream bank;

These compare favourably with those presented previously as plot 1 had an average depth of 4m, plot 2 had 6m and plot 3 had 9.5m. It is acknowledged the area of each garden in the easement zone will not be strictly private (as there will only be a chain separating each property) but there is a clear amount of private space in the rest of the garden and the use of the riverbank area will be beneficial to the occupiers health and wellbeing. It is acknowledged that plot 2's average depth (excluding the riverbank) is slightly short however the Design Guide is not policy and allows for a flexible approach on a site-by-site basis. There is no conflict with the Design Guide in respect of the amenities of future occupiers.

(D) Parking and Turning

ALP policy T SP1 states that 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; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

The site is accessed from Sefter Road as per the outline. The access is initially 6m wide narrowing to 4.8m inside the site but then widening back to 6m. A turning head has been provided in the part of the layout between the access and the houses and this will allow large vehicles to enter and exit in a forward gear.

The parking requirement according to the Arun Parking SPD is 2 per 3 bed dwelling and 3 per 4 bed dwelling plus 1 visitor space so a total of 15. The applicant has provided an additional visitor space (a total of 16 spaces) and 2 motorcycle spaces and so the provision represents a betterment on the requirements. The SPD sets out a requirement for cycle storage and this requires that 3+ bed houses have 2 spaces. The application states cycle storage will be in sheds in the rear gardens and subject to the separate agreement of the shed details by condition, this is acceptable.

The proposal accords with ALP policy T SP1 and the Arun Parking Standards SPD.

(E) Waste Management

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles. The access arrangements approved at outline demonstrated tracking for a range of vehicles including a refuse vehicle and WSCC raised no concerns at that stage.

The application states bins will be stored in a communal store near the entrance and whilst in practice residents may prefer to have their bins in their curtilage (which would be possible) the communal area would be a helpful place for bins to be temporarily stored on collection day as it is close to the Sefton Road frontage and to the turning head. As such, the proposal complies with policy WM DM1.

(F) Biodiversity Net Gain

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

The proposal does not result in the loss of trees and ensures an easement to the stream protecting it and its immediate environs as wildlife habitat. The site was formerly predominantly bare/hard ground so loss of biodiversity relates solely to the introduction of human presence close to the stream and the loss of the hedge on the southwest boundary (which was determined at outline stage to be species poor so not worthy of retention).

The proposal to plant 14 new trees, new hedgerows, provide planted beds, wildflower and grassed areas along with 4 no. bird boxes (2 types), 2 bird bricks, a log pile, 2 hedgehog homes and 6 x bat bricks will result in biodiversity net gain. The proposal therefore complies with ALP policy ENV DM5.

(G) Climate Change

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should 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 does not include any details of sustainability/renewable energy measures other than a reference to each home being provided with an electric car charge point. There were no conditions on the outline requiring the submission of details concerning energy efficiency or electric car charge points and as such, suitable conditions will instead be imposed on this reserved matters in order to ensure compliance with the policies. The electric charge point condition also ensures compliance with ALP policy QE DM3 (air pollution).

(H) Broadband Provision

ALP Policy TEL SP1 states all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. There was no condition requiring this on the outline permission so instead a condition will be imposed now and this will ensure compliance with the policy.

SUMMARY:

The scheme has made positive changes which overcome previous officer concerns and it is concluded that the proposal will result in a development of an appropriate scale, layout and appearance which will not be harmful to the character & appearance of the area, the amenities of existing residents or the

existing road network. It is therefore recommended that the application be approved with the following conditions which will then need to be followed alongside those imposed on P/116/19/OUT.

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 3 and a CIL amount of £75,074.55 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). As there is no Neighbourhood Plan, the Parish Council will receive only 15% (not the usual 25%) of this money (£11,261.18) subject to whether any relief is claimed.

RECOMMENDATION

APPROVE CONDITIONALLY

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

- P001 Rev B Location Plan;
- P003 Rev F Block Plan as Proposed;
- P004 Rev F Site Plan as Proposed;
- P005 Rev F Site Elevations as Proposed and Images;
- P101 Rev B Plot 1 Floor Plans and Section;
- P102 Rev B Plot 1 Elevations;
- P111 Rev B Plots 2 and 3 Plans and Section;
- P112 Rev B Plots 2 and 3 Elevations;
- P121 Rev B Plots 4 and 5 Plans and Section;

P122 Rev B Plots 4 and 5 Elevations;
P131 Rev B Plot 6 Plans and Sections;
P132 Rev B Plot 6 Elevations;
P141 Rev A Bin Store;
GHD3522 Rev A Outline Landscape Plan; and
GHD3522 Rev A Outline Planting Specification.

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

- 2 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policies D DM1 and QE SP1 of the Arun Local Plan. This is required to be a pre-commencement condition because site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

- 3 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 permanently thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place until full details of the proposed in-curtilage cycle sheds have been submitted to and approved in writing by the Local Planning Authority and the houses shall not be occupied until the approved cycle storage sheds associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policies T SP1 and T DM1.

- 5 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 visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 6 No development above damp-proof course (DPC) level shall take place unless and until the applicant has provided details for approval in writing by the Local Planning Authority to demonstrate that either (a) at least 10% of the energy supply of the development will be secured from decentralised & renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) or (b) it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. The development shall then be implemented in accordance with the approved details and retained as operational thereafter.

Should any air source heat pumps be proposed then technical specifications from the manufacturer should be submitted along with the proposed position of any potential heat pump to demonstrate that the sound pressure level from the heat pump will not be greater than 42dBA at the facade of the nearest noise sensitive receptor.

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.

- 7 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently 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.

- 8 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 9 All bathroom and toilet windows in the elevations of the buildings shall be glazed with obscured glass and permanently retained so thereafter.

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

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

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

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

Reason: To maintain adequate private amenity space in accordance with policy D DM1 of the Arun Local Plan.

- 12 **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.