

Recommendation Report for Planning Permission

REF NO: R/102/20/PL

LOCATION: Land North of Springfield House
Cross Road
Rustington
BN16 2ST

PROPOSAL: 1 No. detached 5-bedroom house with attached single storey double garage & carport.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The new dwelling would be detached, two storey, with a basement level and accommodation in the roof. It would have a hipped and gable end roof form. The new building would have a barn-like form, with brick, clay tile-hung and timber clad elevations, clay roof tiles, timber doors and aluminium framed windows and doors. Solar panels to the roof are also proposed. The proposal includes an access road off Cross Road (to the east of no. 1 Cross Road) with double vehicular gates and a pedestrian gate, hard and soft landscaping and the provision of a single storey attached double garage with utility and store for bins/bikes.
SITE AREA	0.3 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	3.3 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Significant trees on site. Number of trees within site are covered by Tree Preservation Orders (including Category B, C and U trees).
BOUNDARY TREATMENT	Timber close board fencing around the perimeter of the site.
SITE CHARACTERISTICS	Vacant back land site, which consists of grass, scrub, trees and vegetation. Previously formed part of the residential gardens to 'The Spires', a large detached dwelling to the south on Springfield Close.
CHARACTER OF LOCALITY	Within the Built-Up Area Boundary of Rustington. Sub-urban environment. The area is residential and comprises a mixed character with large detached properties of mainly 2 storeys of varying ages and architectural styles, set in large plots set back from the highway with on-plot parking and gardens to the front, side and rear. The adjacent property to the south of the site 'The Spires', is a large detached dwelling in the Arts & Crafts style, which is not a nationally or locally listed building, but due to it links to eminent local architect Reginald Fairfax Wells, is considered to be a building of note and is identified

as a non-designated heritage asset. The site is covered by the Rustington Neighbourhood Plan Area.

RELEVANT SITE HISTORY

R/91/17/PL	Erection of 2 No. dwellings with 2 No. detached garages	ApproveConditionally 16-06-17
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Principle of development on this plot (land adj. The Spires) for residential development has been established.

REPRESENTATIONS

Parish Council - No objection.

8 letters of objection as follows:

- Although the application has been validated, is on the Council's website and comments requested by a certain date, no physical site notice/s have been placed at or near the site.
- The description is incorrect, it should read 'Plot to the north of The Spires'. It does not share a boundary with Springfield House.
- Concerns regarding overlooking from large first floor window in gable end on southern elevation which faces directly towards The Spires.
- Object to feature lighting in external courtyard which could impact on bats, dark skies and result in light pollution to neighbours. Proposed low level security lighting will cause light pollution, especially on a private estate without street lighting.
- Proposed air source heat pump must be located and enclosed to avoid noise pollution to neighbours.
- Routing of heavy construction vehicles in any future Construction Traffic Management Plan (CTMP) must take account of poor road conditions/speed bumps on Cross Road. Concerns regarding access from Cross Road during construction phase. Access is not suitable or wide enough for heavy construction vehicles and will result in damage to verges, driveways and neighbouring sites.
- During construction residents will suffer excessive noise, vibration and major disruption from construction traffic. CTMP very important and residents must be consulted on it. Must avoid damage to roads and residential amenity.
- Mature macrocarpus trees (TG03 and TG04) should be retained, for their significant contribution to woodland character and visual amenity of area, wind shelter, privacy screening between houses and vital habitat for protected species and wild birds that they provide. Planning condition should be applied that these trees are maintained in their current form. Basement structure could undermine root structures of macrocarpus trees making them unstable in winds.
- Part of the land is affected by an enforceable restrictive covenant against building any dwellinghouse. It is not clear whether or not there will be a breach of this covenant.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in 'Conclusions' section of this report. The Council is satisfied that the application has been advertised in line with Council procedures. Issues of demarcation of land boundaries is not a material planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER:

No objection. The adjacent building 'The Spires' can be identified as a non-designated heritage asset, due to its architect, in accordance with the PPG. The proposed design of the new dwelling is more modern than the previous approved design (under R/91/17/PL). However, not considered that the revised design would cause unnecessary impact to the setting of the non-designated heritage asset. This is subject to the use of suitable materials, which could be secured by planning condition.

ENVIRONMENTAL HEALTH:

No objections, subject to planning conditions.

WSCC HIGHWAYS:

No objections, subject to planning conditions to secure car and cycle parking and EVCP provision. Suggest informative - the applicant is advised to get formal consent from the proprietor of the private road (Cross Road) for the proposed site access works.

DRAINAGE ENGINEER:

No objection.

SOUTHERN WATER:

No objection.

ECOLOGIST:

No objection, subject to planning conditions requiring certain trees to be protected as they have potential for bats, details of any external lighting scheme to protect bats, measures as set out in the Reptile Mitigation Strategy, badger precautions and survey, restrictions on works during wild birds nesting season, and the inclusion of bat brick and bird box to encourage biodiversity enhancements.

LANDSCAPE OFFICER:

No objection to the proposals, but requests that further detail would be required i.e. detailed Planting Plan, to provide ornamental and native improvements and potential biodiversity gain. The information required in plan form is a Planting Plan to show actual species choice, actual quantities in location, planting density and size at time of planting particularly for the southern boundary but needed for the whole site. The information as submitted at present is not sufficient.

TREE OFFICER:

Objection, as scheme unnecessarily threatens to diminish the visual amenity and reduce life expectancy of trees made the subject of a Tree Preservation Order. The principle of development as described is theoretically achievable being within tolerable limits of disturbance of retained trees. It is noted that a similar scheme (R/91/17/PL) was permitted. As such, if the LPA are minded to recommend the current scheme for approval, planning conditions will be required to secure a pre-commencement site meeting, activity to be undertaken in strict accordance with the Tree Reports, and any tree pruning to meet British Standards.

WSCC FIRE & RESCUE SERVICES:

The proposals would need to comply with the requirements identified in Building Regulations Approved Document - B.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in 'Conclusions' section of report.

POLICY CONTEXT

Designation applicable to site:
 Rustington Built-up Area Boundary
 Rustington Neighbourhood Plan Area
 CIL Zone 4
 TPOs on site

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

Rustington Neighbourhood Plan 2014 Policy 4 Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPS1	Delivering Sustainable Development

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
SPD11	Arun Parking Standards 2020

POLICY COMMENTARY

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

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

Policies contained within the Rustington Neighbourhood Plan (made 2014) are relevant in 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 it would be acceptable in principle on this site within the Built-Up Area Boundary, and would have an acceptable impact, subject to planning conditions, on visual and residential amenity, heritage, highways, drainage, trees and ecology.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE:**

The principle of development has been established on this site under planning applications R/120/03 for 3 dwellings and R/19/17/PL for 2 dwellings. The site is located within the Built-Up Area Boundary, where the principle of development is considered acceptable, in accordance with policy SD SP2 of the Arun Local Plan (ALP). The addition of 1 new home would also increase housing supply in the District, and help to meet identified housing need, in accordance with ALP policy H SP1. Given the Council's lack of a 5 year housing land supply, and that this application concerns the provision of housing, the NPPF's 'presumption in favour of sustainable development' (para 11) would also be triggered. The proposals would have social and economic benefits and would not result in any significant environmental harm, and would therefore represent 'sustainable development'. As set out in the following sections below, there would be no significant or demonstrable adverse impacts arising from the development that would

outweigh the benefits, and so the proposals benefit from the presumption in favour set out in the NPPF.

DESIGN:

With regard to impacts on the character and visual amenity of the area and the design of the proposed new dwelling, the following policies and guidance apply: the NPPF, policies D SP1 and D DM1 of the ALP, policy 2 of the Rustington Neighbourhood Plan (RNP), the Rustington Village Design Statement (RVDS) and the emerging Arun District Council Design Guide SPD.

As per the previous application (ref. R/91/17/PL), it was concluded that the proposed sub-division of the larger plot serving 'The Spires' and the resultant spacious plot size and proposal for a 2 storey detached dwelling would maintain the general pattern of development, layout, density and character of the area. The footprint of the proposed dwelling would be larger (than that approved under R/91/17/PL), mainly due to the addition of an attached single storey double garage (rather than there being a separate smaller garage located some distance from the main building as was the case under the previous application). The height of the proposed dwelling would remain as 2 storeys (as approved under R/91/17/PL), in keeping with two storey dwellings in the area, although the ridge height would be higher at around 10.4m (previous approved scheme was 10m). The overall form of the roof would remain similar to the previous approved design. Overall the scale, height and massing would be acceptable in the context.

Under the previous application (ref. R/91/17/PL), the design of the new dwelling was very much Edwardian with tile hanging and rendered elevations with brick detailing. It was concluded that this design would fully respond to the context of the site, reflecting the architectural styles of nearby properties, including Edwardian, 1920s/30s, Arts & Crafts detailing found within the area, and that the use of high quality, traditional materials was in keeping with the character of the area. The design and materials were considered sympathetic to nearby buildings and the local area. The current design is more modern/contemporary in appearance, with much larger glazing, aluminium framed openings, glazed balconies, modern chimney forms, solar panels, steel and timber vertical louvres, and a double height entrance hall. However, the design retains a rural barn-like quality in terms of its roof form and still proposes the use of some more traditional materials including timber/oak framing, clay tiles roof, tile hung and brickwork elevations. The previously approved design was more in keeping with and sympathetic to the Arts & Craft design of the adjacent property 'The Spires' and some of the other 1920s/30s properties on the estate. However, given the mixed architectural character of the properties in the surrounding area, the number of contemporary post-war houses and those with large expanses of glazing and balconies nearby, the fact that the new dwelling would retain a barn-like appearance and the use of traditional materials, and the limited visibility of the proposed dwelling within the street scene, the design and materials would have an acceptable impact on the character or visual amenity of the area.

HERITAGE:

With regard to heritage impacts, the following apply: the Planning (and Listed Buildings and Conservation Areas Act) 1990, the NPPF, NPPG, and policies HER SP1 and HER DM2 of the ALP.

The current application is for a new dwelling to the rear of 'The Spires', which is a property of note and which is believed to have been designed by Reginald Fairfax Wells, a local eminent architect. It can be identified as a non-designated heritage asset due to the architect, in accordance with the National Planning Practice Guidance. The Council's Conservation Officer has been consulted on the application and raised no objection. The proposed design of the new dwelling is more modern in appearance, whereas the previous approved design (under R/91/17/PL) was very much Edwardian in style with tile hanging and rendered elevations with brick detailing. However, it is not considered that the revised design would cause unnecessary impact to the setting of the non-designated heritage asset. This is

subject to the use of suitable materials, which could be secured by planning condition.

RESIDENTIAL AMENITY:

With regard to residential amenity impacts, para 127 of the NPPF, policies QE SP1, QE DM1, QE DM2 and QE DM3 of the ALP, and the emerging ADC Design SPD are all of relevance.

Although the current application proposes changes to the approved scheme (ref. R/91/17/PL), the orientation of the new dwelling would remain the same. The front and rear elevations/openings of the new house would face east (5a Springfield Close) and west (23 & 25 Angmering Lane) respectively. This orientation ensures the front and rear of the new dwelling would have the greatest distance to the boundaries of the site and to the nearest property elevations (60m and 30m) and the most vegetative screening between it and neighbouring sites. This would ensure that there would be no adverse overlooking from the front and rear openings of the new dwelling and no significant loss of privacy to neighbouring properties to the east and west. It would also ensure an adequate distance to preclude any significant overbearing and overshadowing and loss of outlook and light to these neighbouring properties.

The side elevations/openings of the new dwelling would face south towards 'The Spires' (19m) and north towards the rear of nos. 1, 3 & 5 Cross Road (minimum of 32m distance). The south side elevation, facing towards the rear elevation of 'The Spires', would consist ground floor level windows, a first /second floor high-level window (serving a dressing room and en-suite) and a large first floor balcony (to the master bedroom). The ground floor windows would be sited below the height of the boundary treatment (close board timber fence panels) between it and 'The Spires' and so would not provide views to this neighbouring property. The sections suggest that the first/second floor high-level window would not afford views out below a height of 1.7m. However, it is recommended that a planning condition be applied requiring this window to be obscure glazed and fixed shut up to 1.7m in height to avoid any potential overlooking from it towards 'The Spires'. The first floor balcony would be enclosed and include a side-facing glazing panel toward 'The Spires'. Given the limited separation distance of around 19m between this balcony and this neighbouring property, it is recommended that a planning condition be applied requiring the balcony panels to be obscure glazed and to a height of no less than 1.7m to avoid any overlooking or perception of overlooking from this balcony toward the rear garden and rear elevation of 'The Spires'. The north side elevation, facing towards the rear of properties on Cross Road, would consist of ground and first floor glazing (serving the double height entrance hall) and one side facing rooflight. It is considered that, given the nature of these openings and the separation distances, these openings would not result in significant overlooking or loss of privacy to these neighbouring properties at Cross Road.

The separation distance between the new dwelling and the property to the southern side of the site 'The Spires' would be such that it would ensure an adequate distance to preclude any significant overbearing and overshadowing and loss of outlook and light to this neighbouring property. The revised design would be closer (around 4m) to the site boundary of the properties on Cross Road (nos. 1, 3 & 5), than the approved scheme (ref. R/91/17/PL), due to the increased footprint from the addition of the attached garage to the north side of the dwelling. However, the garage would be single storey and have a hipped roof form sloping away from the site boundary with an eaves height of around 2.9m. Given this, and the actual distance away from the rear elevations of the Cross Road properties (over 30m), this is not considered to result in overbearing or loss of outlook to these neighbouring gardens or properties. In addition, the north elevation of the dwelling has been designed with a sloping hipped/gable roof. This results in a low eaves height at its closest point with properties on Cross Road of approximately 4.8m in height. Given this, and the separation distance to the rear elevations of these neighbouring properties, this would preclude materially adverse overbearing or loss of light to these residential properties.

QUALITY OF ACCOMMODATION:

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply. The proposed dwelling would have a Gross Internal Area (GIA) of approximately 608sqm. This would far exceed the national minimum internal space standards for a 3 storey 5B8P of 134sqm. The proposals would result in a dwelling with ample internal space, storage and circulation space, room widths and floor to ceiling heights, and would be well-laid out and with natural light, providing an excellent quality of accommodation to future occupants.

The Council does not have specific external space standards, although the supporting text to ALP policy D DM2 refers to a detailed Design Guide (still to be adopted) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space. The emerging ADC Design Guide sets out standards for external spaces including that they should be of a size and shape to be usable and enjoyable, rear gardens should have a minimum depth of 10.5m and front gardens should provide a minimum 2m privacy/defence buffer. The grounds would be around 0.3 hectares and would consist front, side and rear garden areas, which would be an ample size and shape to serve a 5 bedroom property and provide usable and enjoyable external space to the future occupants.

With regard to waste provision, Policy WM DM1 of the ALP and Policy 2 of the RNP are relevant. The Proposed Ground Floor Plan shows bin storage within the proposed garage and the Proposed Site plan shows a bin collection point at the entrance to the access road off Cross Road which would allow for kerbside collection by municipal waste vehicles.

CLIMATE CHANGE:

With regard to climate change and sustainable construction, the NPPF and policy ECC SP2 of the ALP are of relevance. The proposals include solar panels on the roof of the new dwelling. This would provide solar, a renewable source of energy. An air-source heat pump will also be installed to reduce consumption of non-renewable energy sources. Electric Vehicle Charging Point provision will also encourage the use of sustainable low carbon emission modes of transport.

HIGHWAYS:

With regard to highways parking and transport, the relevant policies and guidance are: the NPPF, policies T SP1 and T DM1 of the ALP, policy 2 of the RNP and the ADC Parking SPD.

WSCC Highways have raised no objection to the proposals, and have recommended planning conditions to secure car and cycle parking and EVCP provision. The applicant is advised to get formal consent from the proprietor of the private road (Cross Road) for the proposed site access works, and an informative will be added accordingly. WSCC have confirmed that the proposed access and addition of a new dwelling and its impact on the nearby publicly maintained highway network (at the junction with Jervis Avenue) would be acceptable and not raise any highways safety concerns.

The ADC Parking SPD requires that for a 5 bedroom home in this type of location (between Parking Behaviour Zone 2 or 4) a minimum provision of 2-3 on-site car parking spaces should be provided. The proposed double garage, double car port and hardstanding area would exceed this requirement for 2-3 car parking spaces on site. The ADC Parking SPD requires that Electric charging points at a rate of 100% of all parking spaces having EVCPs for a new house with a garage and/or parking space should be provided. The Proposed Plans show EVCP provision within the proposed garage. In terms of cycle parking, the ADC Parking SPD requires 2 cycle spaces to be provided for a 5 bed house. Cycle storage

should be undercover, secure, and easily accessible to occupants. The Proposed Site Plan shows a storage room contained within the garage which will have space for cycle storage.

The application proposes a basement level. Given the degree of construction works involved for basements it would be necessary prior to commencement of development for a Construction Traffic Management Plan (CTMP) to be submitted and approved. The CTMP should set out the management of construction vehicles in and out of the site from the access off Cross Road. This will be added as a planning condition.

DRAINAGE:

With regard to flood risk and drainage, the relevant policies and guidance include: paras 155 and 163 of the NPPF, policies W DM2 and W DM3 of the ALP and policy 4 of the RNP.

A Sustainable Urban Drainage Strategy has been submitted as part of the FRA to demonstrate how surface water will be managed and appropriately drained. A planning condition will be added to secure the SUDs measures set out in the FRA. The Council's Drainage Engineers have been consulted and confirm that due to the location, scale and type of application they have no planning conditions to request, and that any alterations to surface water drainage must be designed and constructed in accordance with building regulations. This will be added as an informative.

Southern Water have been consulted with regard foul water disposal. They have requested an informative be added with regard to the requirement for the applicant/developer to get formal approval from SW to connect to the public sewer. They also advise that the design of the basement should consider potential for surcharging within the public sewer network to protect against the risk of potential flooding, and advise on actions to be taken if a sewer is found to be crossing the site during construction works. Informatives will be added accordingly.

CONTAMINATION:

Policy QE DM4 of the ALP relates matters of land contamination. The site is currently backland, which previously formed part of the curtilage/garden to the adjacent property, The Spires. As such, given its residential use, it is unlikely to be contaminated. However, it is not clear what the historic uses of the site may have been (e.g. horticultural/agricultural etc.), and a basement 'dig' is now being proposed. A Preliminary (Phase 1) Contamination Risk Assessment has been submitted with the application. This concludes that no contamination was identified, no historic land use other than as parks/gardens, and the overall risk of the site is low. Although the Council's Environmental Health Officer requested the full 4-stage potentially contaminated land condition, this is not considered reasonable in this case and that the findings of the Phase 1 Report are accepted. Instead a pre-cautionary planning condition will be added requiring that if any unexpected potential contaminants are found on site during construction works that works will cease and any remediation work will be carried out as required.

TREES:

Para 170 of the NPPF, policy ENV DM4 of the ALP and the British Standards relate to impact on trees and hedgerows.

The application is accompanied by a Tree Schedule, Tree Constraints Plan, Arboricultural Impact Assessment and Method Statement and a Tree Retention/Protection Plan. The Council's Trees Officer has provided comments on the application.

They have raised an objection to the current scheme. There are significant on and off-site trees, many of

which enjoy statutory protection (by way of a Tree Preservation Order). Trees of lesser quality and landscape value are (and will inevitably have) to be sacrificed to provide the only logical access onto the plot. This is reasonable and of itself would not incur undue detriment to the visual amenity of the surrounding area. However, while most of the established significant trees are to be retained, they could be adversely affected by these proposals due to the extent of construction occurring within their nominal root protection areas and pruning to facilitate access by construction traffic into the site. Although tolerable in theory, the Trees Officer advises that; the proposed building footprint would be unnecessarily intrusive, would result in a level of intrusion into the nominal root protection area of established trees, and the current proposed layout is going to negatively impact on significant trees, particularly (T07 and TG04) both above and below ground. Whilst the applicants propose recognised engineering solutions for working in close proximity to retained trees, it must be noted that element is very ambitious and carries a high risk of accidental damage.

However, the Trees Officer does acknowledge that the principle of development as described is theoretically achievable being within tolerable limits of disturbance of retained trees by adopting the tree protection measures proposed (although there is nonetheless a risk during such incursion of root protection areas, and that is especially significant where the trees in question are visually important and the subject of preservation orders). Furthermore, the Trees Officer is mindful of a similar scheme which was permitted in 2017 (R/91/17/PL). As such, they have confirmed that if the LPA are minded to grant approval of the current scheme, planning conditions will be required to secure a pre-commencement site meeting, activity to be undertaken in strict accordance with the Tree Reports, and any tree pruning to meet British Standards.

The LPA have weighed up the Tree Officer comments, and bearing in mind that subject to strict adherence to the tree protection measures proposed the development is achievable in principle within tolerable limits of disturbance to retained trees, and taking into account the previous approved scheme, conclude that the matter of trees in this instance is to be dealt with via planning conditions, to ensure adequate protection, in accordance with policy ENV DM4 of the ALP.

ECOLOGY:

The Environment Bill, NPPF, policy ENV DM5 relate to ecology, protected species, and biodiversity impacts. An Ecological Impact Assessment (April 2020) has been submitted along with a Reptile Mitigation Strategy (from previous 2017 application). The Council's Ecologist has raised no objection to the proposals, subject to planning conditions requiring certain trees to be protected as they have potential for bats, details of any external lighting scheme to protect bats, measures as set out in the Reptile Mitigation Strategy, badger precautions and survey, restrictions on works during wild birds nesting season, and the inclusion of bat brick and bird box to encourage biodiversity enhancements.

SUMMARY:

The proposals would accord with the policies in the Local and Neighbourhood Plans, and would be acceptable in principle on this site within the Built-Up Area Boundary, and subject to conditions, would have an acceptable impact, subject to planning conditions, on visual and residential amenity, heritage, highways, drainage, trees and ecology.

The application is to be approved subject to the following conditions:

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010:

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

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

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

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 as follows:

- Proposed Site Plan (1004 rev 06), received 14/08/2020
- Proposed Block Plan (1002 rev 06), received 24/06/2020
- Proposed Site Entrance Elevations (2008 rev 00), received 24/06/20
- Proposed Elevations Front and Rear (2006 rev 04), received 12/06/20
- Proposed Elevations Side (2007 rev 04), received 12/06/20
- Proposed Basement Plan (2001 rev 04), received 12/06/20
- Proposed Ground Floor Plan (2002 rev 04), received 12/06/20
- Proposed First Floor Plan (2003 rev 04), received 12/06/20
- Proposed Second Floor Plan (2004 rev 04), received 12/06/20
- Proposed Roof Plan (2005 rev 04), received 12/06/20
- Proposed Site Sections (1005 rev 01), received 12/06/20

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and character of the area and the setting of a non-designated heritage asset by endeavouring to achieve a building of visual quality in accordance with policies D SP1, D DM1, HER SP1 and HER DM2 of the Arun Local Plan.

- 4 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 southern and northern walls 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 and QE SP1 of the Arun Local Plan.

- 5 The first floor window on the southern elevation of the building shall at all times be glazed with obscured glass and fixed shut to a height of 1.7m.

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

- 6 The balcony panel on the southern elevation of the building shall at all times be glazed with obscured glass and have a height no less than 1.7m.

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

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

An indicative programme for carrying out of the works;
Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
The parking of vehicles of site operatives and visitors;
Loading and unloading of plant and materials, including permitted times for deliveries;
Storage of plant and materials used in constructing the development;
The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations

Orders);

Measures to control the emission of dust and dirt during construction;

A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1, QE DM1, QE DM2 and QE DM3 of the Adopted Arun Local Plan. This condition is required to be pre-commencement so the protection of the amenity of local residents as a result of the construction works is ensured prior to the start of construction works.

- 8 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no 'noisy' work on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the adopted 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 Proposed Ground Floor Plan (2002 Rev 4). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the residential use, in accordance with policies T SP1 and T DM1 of the Arun Local Plan and in accordance with the Arun Parking SPD.

- 10 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved Proposed Ground Floor Plan (2002 Rev 4).

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

- 11 No part of the development shall be first occupied until electric vehicle charging space(s) at a rate of 100% for all parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies including T SP1 and T DM1 of the Arun Local Plan and the Arun Parking SPD.

- 12 The development permitted by this planning permission shall only be carried out in accordance with mitigation measures detailed within the approved Flood Risk Assessment (FRA), dated April 2020, and prepared by EAS Ltd.

Reason: To reduce the risk of groundwater and surface water flooding on the proposed development and future occupants, in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

- 13 The development permitted by this planning permission shall only be carried out in accordance with SUDs measures detailed within the approved Flood Risk and Drainage Assessment , dated April 2020 and prepared by EAS Ltd.

Reason: To reduce the risk of surface water flooding on the proposed development and future occupants, in accordance with policies W SP1, W DM2 and W DM3 of the Arun Local Plan.

- 14 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or

associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan.

- 15 No development shall commence until a detailed Planting Plan (to show specific species choice to include ornamental and native species, quantities in location, planting density and size at time of planting) has been submitted to and approved in writing by the Local Planning Authority. The works are then to be undertaken in strict accordance with this approved Planting Plan.

Reason: To ensure appropriate landscaping of the site and result in a net biodiversity gain, in accordance with the Environment Bill and policies D DM1, LAN DM1, and ENV DM5 of the Arun Local Plan. This condition is required to be pre-commencement to ensure details of appropriate landscaping and planting is secured prior to the start of construction works.

- 16 The trees as set out in the Arboricultural Impact Assessment and Method Statement, LLD1935 Rev 01, dated 01.06.2020 must be retained and protected from harm during construction.

Reason: To protect local wildlife (bats) in accordance with the relevant protected species legislation and policy ENV DM5 of the Arun Local Plan.

- 17 A bat brick shall be integrated into the building onsite facing south/south westerly and positioned 3-5m above ground. In addition, a bird box shall to be installed on the building and/or tree within the garden of the property.

Reason: To enhance biodiversity in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

- 18 Any trenches must 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 protect local wildlife (badgers) in accordance with the relevant protected species legislation and policy ENV DM5 of the Arun Local Plan.

- 19 No works on site shall commence until a Badger Walkover Survey has been undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England must be consulted and a mitigation strategy produced and submitted to and approved in writing by the Local Planning Authority.

Reason: To protect local wildlife (badgers) in accordance with the relevant protected species legislation and policy ENV DM5 of the Arun Local Plan. This condition is required to be pre-commencement to ensure badgers would be adequately protected from development prior to the start of any works on site.

- 20 The mitigation measures set out in the Reptile Mitigation Report (July 2020) must be strictly adhered to.

Reason: To protect local wildlife (reptiles) in accordance with the relevant protected species legislation and policy ENV DM5 of the Arun Local Plan.

- 21 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, LLD1935-ARB-DWG-002 Rev 00, 27.05.2020.

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

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

- 22 All activity at the site is to be carried out in strict accordance with: Arboricultural Impact Assessment and Method Statement, LLD1935 Rev 01, dated 01.06.2020.

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

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

- 23 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.

- 24 INFORMATIVE: The applicant is advised to contact the proprietor of Cross Road to obtain formal approval to carry out the site access works on the private lane.

- 25 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk by email at: SouthernWaterPlanning@southernwater.co.uk.

- 26 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the

development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- 27 INFORMATIVE: The design of the proposed basement and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding. The basement will need to be suitably designed and tanked to prevent groundwater and surface water intrusion. In addition, as the basement will require connection to the foul sewer (for the shower and WC), the designer will need to consider that this will be the lowest point of the system and ensure that they have designed against backflow from the foul. These matters will be dealt with at Building Control stage.
- 28 INFORMATIVE: The proposals would need to comply with the requirements identified in Building Regulations Approved Document - B (AD-B) Volume 1: 2019 edition B5 Section 13: Vehicle access. This explains the Building Regulations requirements for Fire Service vehicle access to new builds. If the developer does not meet with these requirements they will need to identify how they intend to mitigate for any short falls. These matters will be dealt with at Building Control stage.
- 29 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.
- 30 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.