

Report following a request for further information, negotiations or consultation

REF NO: R/197/20/OUT

LOCATION: Croft Works
52 Mill Lane
Rustington

PROPOSAL: Outline application with some matters reserved for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows with associated car barns, gardens, car parking & landscaping (resubmission following R/117/20/OUT).

This application was deferred from the DC Committee meeting on 06-01-2021 to check that the width of the access road complies with building regulations for access by fire service vehicles. This is set out in Approved Document - B (AD-B) Volume 1 2019 section 13 Table 13.1 on page 98. It is expected that vehicles will travel in a straight line, not need to make a turn whilst passing through and there should be 3.7 metres between curbs.

The agent has subsequently visited the site and measured the width of the access at several points along the access road and taken photographs of where the measurements are taken from. A revised drawing showing these dimensions has been received and the case officer has visited the site to verify the measurements given.

In summary, there are some small discrepancies between the OS/Title plans used and the dimensions on the ground. This appears to result from fences being placed in different positions to the legal title over time, with the neighbours to the south seemingly encroaching slightly onto these title plans.

Following the case officer site inspection it was found that the width of the entrance point is very close to the previously noted 4.65m at around 4.4- 4.5m. There is a pinch point at around the centre of the access driveway where this reduces to 3.3m wide. At the end of the driveway the dimension measures 3.8m which is slightly less than the 4.1m on the title plan.

Based on the measurements determined by the case officer it would appear that the access way would not be capable of complying with the above stated Building Regulations.

The agent has advised that appropriate Building Regulations will be met by way of the provision of sprinklers and/or a fire hydrant. This can be secured by way of a condition.

West Sussex County Council have been consulted regarding the veracity of complying with the relevant Building Regulation with the following:

'County Water and Access have viewed the plan and agent's e-mail and confirm the current intentions do not meet with the requirements of Approved Document - B Volume 1: 2019 edition B5 section 13 for Fire Appliance access. The minimum access width for a fire appliance is 3.7 metres between curbs and 3.1 metres through a gateway in a straight line, so there is adequate access width, there is also a need for suitable space to turn and make an exit, which may also be possible.

However for houses fully sprinklered in accordance with British Standard (BS) 9251: 2014 or BS EN 12845, BS 9991:2015 para 50.1.2 does allow the distance between the fire appliance and any point within all houses to be up to 90 metres. The distance from the main road to the furthest point is

approximately 80 metres so within this required distance.

If access to the properties is not suitable for a fire appliance there is no reason to have a fire hydrant along the access driveway. Fire hydrants provide water to the fire appliance not the scene of the fire; there is an existing fire hydrant within 30 metres of the access point. The preference would be to gain access to the properties, if this cannot be achieved each property will need to be fully sprinklered.'

The Council's Building Control Department has advised that a suppression system, such as sprinklers would be acceptable.

Further comments have been received from County Highways following a further request to undertake a site visit by stating that in this instance they cannot see how a site visit can be justified as being absolutely necessary given the current circumstances. They make the following comments:

- 1) The principle of the application is for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows. While trip generation data (existing and proposed) has not been provided it is reasonable to conclude that the proposed will not result in an increase in vehicular activity being associated with the site. It's more likely that the proposed will result in less trips being associated with the site.
- 2) The private access ways / access point also serves circa 10+ other dwellings. As such regardless of the existing storage trips that would be lost as a result of this proposal, it would be difficult to substantiate that the proposal will result in any significant increase in vehicular activity at the access point with the maintained network or internal access ways.
- 3) Trips associated with residential dwellings are typically tidal in nature, whereby 'out' trips are created in morning peak and 'in' trips are created in the late afternoon peak. The existing use as storage could have created 'in / out' trips throughout the day. As such it would be considered that the proposed two dwellings will likely result in less chance of vehicle conflict on parts of the internal private accessways where passing is not possible.
- 4) The internal accessways are private and therefore the Local Highway Authorities primary concerns is the access point with the maintained network Mill Lane B2187. This access point can be effectively assessed using a desktop study using OS mapping, the submitted plans, recent google street view and other WSCC datasets, for example accident data records.
- 5) Local google street view mapping for the private road is dated 2009. However, the publicly maintainable highway has images from 2019 that overlook the private road. This demonstrates that no change has occurred since 2009.
- 6) While a specific site visit has not been conducted, local knowledge of the area and previous visits can be taken into consideration when making an overall assessment.
- 7) The access onto the public highway is over 11 metres in width so difficult to substantiate any issues with passing of vehicles here given the existing shared use. It is the view of the Highway Authority that any internal access width issues should therefore be raised and substantiated by the residents or considered as an amenity issue by the Local Planning Authority. Though such issues would be difficult to substantiate given reasons listed above.

It is also noted that the report incorrectly refers to 8 parking spaces. There are 6 spaces provided. 3 per dwelling.

The recommendation has been amended by the inclusion of the updated block plan showing true dimensions of the access road (amending the plans condition 2) to refer to the later amendment and the inclusion of an additional condition (number 19) requiring that prior to occupation details of a sprinkler system be provided and agreed with the Local Planning Authority.

REPORT UPDATE

Application No: R/197/20/OUT

Reason for the Update / Changes

Reason for Update:

The updated recommendation sheet is attached with the correct site plan as part of condition number 2 and the new condition number 19 requiring the provision of sprinklers in the new dwellings.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

REF NO: R/197/20/OUT

LOCATION: Croft Works
52 Mill Lane
Rustington
BN16 3JN

PROPOSAL: Outline application with some matters reserved for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows with associated car barns, gardens, car parking & landscaping (resubmission following R/117/20/OUT).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is in outline form with access, appearance, layout and scale forming part of the proposal. Landscaping would be agreed at reserved matters stage.

The 2 detached chalet style properties would be 1.5 storey with plain clay hipped roofs and stock brickwork elevations. The roof area contains a bedroom and study for each dwelling with the 2 other bedrooms located at ground floor level.

Each property would have a private rear garden and there would be a parking for 8 cars.

There would be an allocated shared refuse and recycling area on the access road where bins would be located on collection day.

The existing access track off Mill Lane would be utilised to serve the development.

SITE AREA	0.1 hectares
RESIDENTIAL DEVELOPMENT DENSITY	20 dph.
TOPOGRAPHY	Predominantly flat.
TREES	A substantial mature Hornbeam tree in garden of the Windmill Public House.
BOUNDARY TREATMENT	Breeze block wall (1m raising to 2m high) to eastern boundary fronting onto Fircroft Crescent, to western boundary to nos.48, 50 Mill Lane and to southern boundary to no.21 Fircroft Crescent.
SITE CHARACTERISTICS	2m close board timber fence panels to northern boundary to no.29 Fircroft Crescent. 2m close board timber fencing along access road off Mill Lane to the west. Plot of land in use for ad-hoc storage of waste/scrap. Garages, storage container and dilapidated single storey storage buildings on the site.
CHARACTER OF LOCALITY	Sub-urban. Residential streets on Mill Lane and Fircroft Crescent. Mill Lane consists of a mix of detached bungalows and two storey semi-detached dwellings. Fircroft Crescent is characterised by detached bungalows with front gardens and driveways.

RELEVANT SITE HISTORY

R/117/20/OUT	Demolition of existing dilapidated storage buildings and erection of 4 no. semi detached 2-bedroom dwellings with associated gardens, car parking and landscaping. Outline application to consider matters of access, layout, scale and external appearance, with exception of landscaping which is to be a reserved matter.	Refused 21-08-20
--------------	--	---------------------

R/117/20/OUT which was for 4 dwellings on the site was refused for the following reasons:

- 1) The proposed new dwellings, by reason of their density, layout, absence of a street frontage, height and scale would fail to integrate successfully with their surroundings and would result in harm to the immediate street scene and the character and visual amenity of the area, in conflict with policies D SP1 and D DM1 of the Arun Local Plan and policy 2 of the Rustington Neighbourhood Plan
- 2) The proposed new dwellings, by reason of their siting and height, would result in an unneighbourly relationship with unacceptable overlooking and loss of privacy to neighbouring occupants of no. 29 Fircroft Crescent in conflict with policies D DM1 and QE SP1 of the Arun Local Plan.
- 3) In the absence of any arboricultural information having been submitted, the application fails to

demonstrate that trees would be adequately protected from the proposed development, as required by policy ENV DM4 of the Arun Local Plan.

4) Due to the lack of bat survey/shaving been undertaken and submitted, the proposals have failed to demonstrate that ecology and protected species would be adequately protected from the proposed development in conflict with policy ENV DM5 of the Arun Local Plan.

With regard to reason 1 this proposal has halved the number previously proposed. The 2 detached chalet bungalows consequently have larger plot sizes with a form and density more in keeping with the bungalows in Fircroft Crescent. Although the site frontage isn't addressed the proposed dwellings will successfully integrate with their surroundings and ensure no unacceptable harm results to the immediate streetscene and character.

The proposed dwellings have reduced eaves and ridge heights. The ridge is lowered from 7.29m to 6.5m and the eaves from 3.85m to 2.6m and the extent of development across the site is also reduced meaning the unneighbourly overbearing impacts are addressed. The issue of unacceptable overlooking and loss of privacy is addressed by the change from 2 storey form to chalet style dwelling with the accommodation in the roof being served by rooflights with a cill height of 1.7m to prevent a material loss of privacy to adjacent dwellings.

With regard to reasons 3 and 4, a Bat Survey and associated Tree Analysis has been undertaken and submitted as part of the application.

REPRESENTATIONS

Rustington Parish Council Objection:

- The proposal would result in an increased number of vehicles being dependent on a very narrow and single point of access, and would be likely to attract additional standing vehicles which would interrupt the free flow of traffic on the public highway adding to the hazards of road users.
- The proposal would give rise to an increased movement of vehicles on to and off Mill Lane which has restricted vision on traffic travelling southwards. This would be detrimental to the safety and free-flow of traffic.
- The proposal would increase the pressure for on-street parking, where there is minimal and insufficient provision.
- The proposal would be in conflict with the Rustington Neighbourhood Plan - Policy 2 - Road widths must demonstrate they are adequate for safe access by service and emergency vehicles.
- Concern regarding safety of cyclists travelling southwards on the obscured narrow pathway adjacent to the proposed exit.
- Request West Sussex County Council undertake a physical study of the proposed site.

6 letters of objection have been received, summarised as follows:

- Access to the site is via a narrow privately owned small slip road. Construction traffic could damage the road and residents would have to bear the cost.
- Extra traffic would make the road junction onto Mill Lane more dangerous and congested. The turning point to enter the dwellings is restricted for both emergency and heavy plant vehicles.
- The red boundary includes neighbouring property.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and all material planning considerations made will be addressed in Conclusions section of report.

Damage to property is a private matter.

The agent has clarified that all of the land included within the red edge of the application site is owned by the applicant.

The County Highways Officer has been invited to visit the site, but they have advised that they are well acquainted with site and aware of its position and the access from Mill Lane.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC WASTE AUTHORITY: No Objection.

The Local Planning Authority needs to consider if the site makes an important contribution to the transfer of waste and if so the proposals will need to comply with policy W2 of the WSCC Waste Local Plan (2014).

ENVIRONMENTAL HEALTH: No objection subject to conditions.

WSCC HIGHWAYS: No objection subject to conditions.

The proposals would not have a severe impact on highways safety or capacity and operation of the highways network.

DRAINAGE ENGINEER: No objection subject to conditions.

TREE OFFICER: No Objection.

Conditions requested.

ECOLOGIST: No Objection.

Conditions requested.

LANDSCAPE OFFICER: No Objection.

Condition requested.

WSCC FIRE & RESCUE: The minimum widths for a Fire Service vehicle access are given 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:

Built-Up Area Boundary

Rustington Neighbourhood Plan Area

CIL Zone 4

Locally Listed Buildings to south east

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
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

[West Sussex Waste Local Plan 2014:](#)

West Sussex W2 Safeguarding Waste
Management Sites

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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.

The relevant policies contained within the Rustington Neighbourhood Plan have been applied 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."

Section 70(2) of TCPA 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,
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.

The proposal is considered to comply with relevant Development Plan policies in that it would have an acceptable impact on visual and residential amenity and adequately demonstrates that trees and ecology would be adequately protected.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

This is an outline application, with the Local Planning Authority being asked to assess the proposed access, layout, scale and appearance of the scheme only.

PRINCIPLE

The development plan in the determination of this application consists of the Arun Local Plan and the Rustington Neighbourhood Development Plan.

Policy D DM1 of the Arun Local Plan sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy D SP1 of the Arun Local Plan sets out that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from a thorough site analysis and context appraisal.

Policy QE SP1 of the Arun Local Plan sets out that all development should contribute positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents to the District.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

The site is in the Built-Up Area Boundary (BUAB), a location where the principle of development is acceptable subject to consideration against other policies in the Arun Local Plan (ALP).

The existing site is comprised of dilapidated buildings and in use for ad-hoc storage of waste including

scrap such as vehicles, sanitary ware, metal ware etc. The site is largely vacant and redundant with no activity taking place. Given this and the fact that there is little waste on the site at present the policies of the West Sussex County Council's Waste and Minerals Plan are not considered to be relevant.

In the alternative if it was to be relevant to this Plan, Policy W2 of the WSCC Waste Local Plan (2014) seeks to protect existing waste management sites or infrastructure which make an important contribution to the transfer of waste in the District. This site in its present condition if used for ad-hoc storage of waste (refuse and recyclable materials) cannot be considered to make a meaningful contribution to waste facilities within the District and as such would not be subject to policy W2.

DESIGN AND VISUAL AMENITY

It is acknowledged that a residential use would be more compatible than the existing largely redundant storage/waste use in terms of the residential character of the immediate area. The site is very exposed and visible in views from Fircroft Crescent and therefore has the potential to significantly impact the character and appearance of the street scene. The overall Gross Internal Floor Area proposed within this revised application, including the two proposed car barns, is 290.52sqm (previously 334sqm) which represents a reduction of floor area on-site of 43.48sqm from that previously refused.

The proposed building footprints, plot sizes and density of the new dwellings would largely reflect that of other semi-detached buildings in Mill Lane and Fircroft Crescent. The proposal being well set back from Mill Lane would not be prominently visible from this point. The 1.5 storey high new dwellings would reflect the lower density and detached bungalows set on more spacious plots along Fircroft Crescent, from which the scheme would also be highly visible.

The proposed design and materials of the new dwellings is considered to be attractive, with brickwork elevations and detailing and clay tile roofs, albeit it would not be especially reflective of the post-war bungalows along Fircroft Crescent, but would be acceptable subject to details which are conditioned.

The proposal would, therefore, reflect and be in keeping with the character and appearance of the immediate area as perceivable from Fircroft Crescent in compliance with ALP policies D SP1 and D DM1, policy 2 of the Rustington Neighbourhood Plan (RNP) and the NPPF paras 124 & 125 which all seek to secure good design in keeping with an area's character and appearance.

RESIDENTIAL AMENITY

Given the scale and pitched roof form of the proposed new dwellings and their siting and separation distance to the nearest neighbouring properties 21 and 29 Fircroft Crescent and 50 and 48 Mill Lane, it is concluded that the proposals would have an acceptable impact on outlook and light levels of surrounding properties. No. 21 Fircroft Crescent has no side facing windows (only a front door) to its northern side elevation. Whilst there may be some loss of light to the side elevation windows of 29 Fircroft, a bungalow, as a result of the new 1.5 storey dwellings, this would not be materially significant nor harmful enough to warrant a reason for refusal on these grounds.

The Proposed Block Plan shows that there would be a planting zone to the rear/side and front of the dwellings on the boundary with no. 21 and 29 Fircroft Crescent and the properties on Mill Lane. In any event, planning conditions are suggested to secure a detailed Landscape Plan and appropriate boundary treatments (e.g. retention or installation of wall/timber fence with specified heights and planting) to ensure appropriate screening and no loss of privacy at ground floor level to nos. 21 and 29 Fircroft Crescent or the rear of properties on Mill Lane. A gap of between 8.7m and 10.5m is provided from the rear elevations of the proposed dwellings to the southern boundary with no 21 and 10.9m from the front elevation of Plot 2 and the northern boundary with no 29. These distances are acceptable in terms of

overbearing and over looking impacts.

The side elevations of the new dwellings would face east-west toward the properties on Mill Lane (nos. 44/48 and 50 and nos. 16 and 18 Fircroft Crescent). All rooflights are positioned to provide a sill height of 1.7m above internal floor height as detailed on the submitted cross section and the distance to the site boundary of 3.3m of Plot 1 is therefore acceptable.

With regard to the impact on 29 Fircroft Avenue, at its closest point, the distance between the front of the new dwellings to the side elevation of no.29 would be 13.5m. This would fall short of the accepted typical separation distance of 14m back to side as set out in the emerging Arun District Council (ADC) Design Guide, but it is considered acceptable given the slight under provision and the height of the dwelling.

It is necessary to consider potential noise and disturbance and air pollution impacts on neighbouring residents from use of the access road into the site as a result of the proposals. The proposals would utilise the existing access road to the site off Mill Lane. The access road is too narrow and not wide enough in parts to accommodate 2 vehicles passing each other, and as such there could be conflict between vehicles entering and exiting the site and vehicles having to wait with their engines running, and the potential noise and air pollution impacts this could entail.

However, as confirmed by County Highways, it is accepted that the proposed use would be unlikely to result in a material increase in vehicular trips or intensification of use of the access track in comparison to the existing use. In addition, over the course of the day, it is unlikely that this conflict between vehicles entering and exiting the site at the same time and waiting vehicles would be a regular occurrence. Also conditions are suggested to ensure robust fencing is erected and planting provided to secure a suitably quiet environment. As such, it is concluded that the proposed use of the existing access road to serve the development would not result in significant and harmful noise and disturbance nor air pollution impacts to neighbouring residents.

The proposals therefore sufficiently protect residential amenity in compliance with policies D DM1 and QE SP1 of the ALP, the ADC emerging Design Guide and the NPPF.

QUALITY OF ACCOMMODATION

The application proposes 2 x 2 storey 3 bed homes. Each of the dwellings would have a Gross Internal Area (GIA) of approximately 127.26 sqm. This would meet the national internal space standards set out in 'Technical Housing Standards - Nationally Described Space Standards' which require a 2 storey 3B6P home to have a GIA of at least 102sqm. The proposals would provide internal space of an appropriate size, as required by policy D DM2 of the ALP. The proposed layouts show adequate storage and circulation space and bedroom widths to meet the national standards. In addition to its internal size, the accommodation appears to be well-laid out and would allow for natural light providing a good standard of accommodation for future occupants.

Each of the dwellings would have a front garden area between 1.5 - 2m deep and a private rear garden with a depth of approximately 10.5m. The emerging ADC Design Guide advises that new dwellings should have a front garden of 2m to provide a buffer strip of defensible space and a rear garden with a depth of at least 10.5m, and the proposals would broadly reflect this. The outdoor amenity spaces would be of an appropriate size and shape to be usable and enjoyable, in accordance with guidance in the emerging ADC design guide.

A shared refuse and recycling store to serve all the dwellings and a collection day refuse and recycling point has been shown on the Proposed Block Plan. This shows 2 bins per property which would meet the requirement for 1 x 240 L refuse and 1 x 240 L recycling bin per property. It also shows that kerbside

collection from Mill Lane by municipal refuse vehicles would be possible. Details of the exact scale, design and materials for the bin storage could be secured by way of a planning condition. The proposals would provide adequate bin storage in accordance with ALP policy WM DM1.

HIGHWAYS

The proposals would utilise the existing access off Mill Lane (a private road). The Local Highway Authority (LHA), County Highways, have been consulted on the application and raise no objection on grounds of impact on highways safety, parking or capacity and operation of the highways network. They confirm that, in principle, the existing storage use could generate vehicular trips of a similar quantity than that of the proposed 2 new dwellings. The LHA conclude that the proposals would not result in a material intensification of the use of the existing access track or access point onto the nearest publicly maintained highway, New Road. Police data shows there is no evidence to suggest the existing access is operating unsafely. The LHA conclude they would not anticipate that the proposal would generate a highways safety concern at the existing junction (between Mill Lane and New Road).

8 on-site car parking spaces are proposed to serve the 2 dwellings (4 spaces each). The Arun Parking Standards requires a minimum provision of 2 car parking space for each property of this size a total of 4 in this case. As such, the proposals would exceed the minimum car parking standards.

No cycle parking is shown on the Proposed Plans although reference is made in the Planning Statement for a shed in each garden which could store 2 bikes. The Arun Parking Standards requires a minimum provision of 2 cycle parking spaces for a 3+ bed property. A planning condition has been added to secure details of undercover and secure cycle parking provision to serve the development.

The proposals, subject to conditions, would have an acceptable impact on highways safety, operation of the highways network and parking, in accordance with the National Planning Policy Framework (NPPF), policies T SP1 and T DM1 of the ALP. Policy 2 of Rustington Neighbourhood Plan requires it to be demonstrated that road widths are adequate for safe access by service and emergency vehicles. County Highways have no objection to the existing dimensions on highway safety grounds and the proposal would not therefore conflict with these policies.

TREES

There is one third-party tree within the pub garden of the Windmill Pub adjacent to the site which is of note and could be affected by the proposals. It is a mature Hornbeam (Category C of low value) with a nominal root protection area extending several metres into the site and beneath concrete hardstanding/building foundation.

It is likely to need to be significantly pruned to facilitate demolition on site and provide reasonable clearance of any future garden/s to the new development. Arboricultural information in the form of a Tree Survey and has been submitted with the application to cater for the impact on this valuable tree.

Given that this is a mature 3rd party tree and there exists a risk of significant direct and indirect damage occurring it is concluded that appropriate protection measures should be secured. An Arboricultural Impact Assessment (AIA) and Method Statement which includes an Existing Tree Survey Schedule, and a Tree Retention Protection Plan have been submitted.

The Tree Officer has been consulted has removed his original objection. The submitted arboricultural information satisfactorily demonstrates that trees would be adequately protected, as required by Arun Local Plan (ALP) policy ENV DM4.

ECOLOGY

The site does not fall in or is adjacent to any designated sites of biodiversity or geological importance. However, due to the proposed works including demolition and the records of bats within close proximity of the site there is a moderate likelihood of bats roosting within the building. A Preliminary Bat Roost Assessment has been submitted with the application which establishes no bats are roosting within the building. It is considered that there is a 'negligible' risk of the development proposals committing offences under prevailing UK and EU legislation and therefore no further survey work with regards bats is recommended within the report. Potential habitat enhancements which would increase the overall biodiversity levels of the site are included in the report. Given the low existing biodiversity within the site, any ecological enhancements provided would result in the proposed scheme having a positive increase on biodiversity in the long-term. The Ecology Officer has no objection to the proposal and the principle of development is acceptable in ecology terms appropriate mitigation measures have been secured by the suggested conditions.

The Council's Ecologist has recommended planning conditions to secure details of any external lighting scheme to ensure the protection of bats from light pollution, a restriction on site works being undertaken outside the wild bird nesting season (of if within it the site is to be checked 24 hours beforehand by a qualified ecologist for nests), and for bird boxes to be installed on trees within the gardens to the new dwellings.

The proposals have acceptably demonstrated that ecology and protected species would be adequately protected. The application accord with policy ENV DM5 of the ALP.

SUMMARY

This revised application presents a sensitively designed solution that will create 2no. new dwellings that are appropriate for their surroundings reflecting the character of the area and respecting the amenity of the surrounding dwellings. The application is recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

This development may be CIL liable. However, CIL liability will only be calculated subject to approval of the last reserved matters application.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Proposed Elevations 012A

Proposed Floor Plans and Sections 011A

Location and Block Plan 010B

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

- 4 No part of the development shall be first occupied until covered and secure cycle 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 alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 5 No part of the development shall be first occupied until the car parking and vehicle turning areas have been constructed in accordance with the approved block plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 6 Prior to 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 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), T SP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework

- 7 No windows other than those shown on the plans hereby approved shall be constructed in the roofs of the dwellings 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/D DM4 of the Arun Local Plan.

- 8 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 extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 9 No part of the development shall be occupied until the ecological enhancements identified in the Preliminary Bat Roost Assessment together with additional enhancements have been provided on site in accordance with details to be submitted to and approved by the Local Planning Authority. The additional enhancements comprise:

- A bird box installed on each property or within a tree in the garden
- Two hedgehog nesting boxes included on the site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

Reason: In the interests of biodiversity in accordance with Policy ENV DM5 of Arun Local Plan.

- 10 No demolition/construction 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 work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

- 11 Prior to the commencement of development 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 uses potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment

of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan 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.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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

- 12 The scheme for risk of contamination approved in condition 11 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 the 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. It shall also include any plan (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 plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 13 The development shall proceed in accordance with the submitted Arboricultural Impact Assessment and Method Statement reference LLD2098-ARB-REP-001 Rev 00, 03 December 2020 and Tree Retention Protection Plan, ref. LLD2098-ARB-DWG-001, Rev 00, 03 December 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 before any works are commenced out on site.

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

- 14 Any tree pruning proposed or subsequently considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:
- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

- Where branches or roots are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice.

- 15 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type, mounting height, aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the appearance of the area and local residents from pollution in accordance with policy QESP1 of Arun Local Plan.

- 16 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.

- 17 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 buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 18 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- 19 Prior to occupation of the dwellings a sprinkler system shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The sprinkler system so provided shall be retained in perpetuity.

Reason: To ensure that the development does not have a negative impact on residential

amenity in accordance with policy QE SP1 of Arun Local Plan.

- 20 **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.
- 21 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.
- The applicant's attention is drawn to the requirements of the Environmental Protection Act, 1990 and the Clean Air Act, 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.
- 22 **INFORMATIVE:** The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. The Council needs to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.
- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.