Town and Country Planning Act 1990
Appeal by Dean Dugdale Ltd
Site Address: Land north of The Haven, Brighton Road, Lancing, West Sussex, BN15 8EU
PINS reference: APP/Y3805/W/20/3256355
LPA reference: AWDM/0063/20

Appeal Statement of Adur District Council

Summary

1. The statutory development plan provides the framework for determining applications for development in Adur. The Council cannot currently demonstrate a NPPF compliant 5 year housing supply and therefore its housing policies cannot be afforded full weight for the purposes of decision making at this time. However, the NPPF is itself guidance rather than statute, and cannot remove the primacy of the development plan which is set by statute. Other relevant policies are considered up to date and afforded full weight for the purposes of determining this appeal proposal.

2. The appeal proposal by reason of its size, siting and relationship to its surroundings is considered to be contrary to the requirements of policy 15 'Quality of the Built Environment and Public Realm' of the Adur Local Plan, which embodies a key aspect of sustainable development. The proposed loss of open space and the siting of a block of flats in front of another, close to the roadside, would be out of character with the layout of buildings in this stretch of Brighton Road and would be harmful to the visual amenities of the area. As such, the appeal proposal would result in demonstrable harm to the character and appearance of the area. This harm would not be outweighed by the modest public benefits associated with the proposal.

3. The appeal proposal would result in a loss of amenity for the existing residents of The Haven, as a result of the loss of the open space in front of the building and the introduction of extensive built form and a car park in its place. The orientation of The Haven in relation to the site means that the car park will be close to the front of the building at its western end, exacerbating the loss of amenity.

4. Proposed development that conflicts with the development plan should be refused unless material considerations indicate otherwise. The material considerations put forward are recognised, but do not outweigh the substantial conflict with the development plan when considered as a whole, and the environmental and social harm that would arise. Due to the harm arising from the size and siting of the development the proposal is not considered to meet the requirements of sustainable development. The planning balance indicates that permission should therefore be refused.

5. The Inspector is respectfully requested to dismiss the appeal.

1. Introduction

1.1 This Statement of Case has been prepared in respect of a planning appeal against the refusal of a full planning application (LPA reference AWDM/0063/20) described as:

> *Construction of 8no. flats (4 x 2 bed and 4 x 3 bed) within 2 storey building and 1no. 2 bed flat (9 in total) within link-detached single storey building, with 12no. parking spaces, 10no. cycle spaces, bin store, amenity space and landscaping*

1.2 The application was refused on 16 March 2020 for the following reasons:

1) *The proposed development, by reason of its scale, siting in front of The Haven and proximity to the road, would result in a prominent and dominant development which would intrude into the open character of this part of Brighton Road to the detriment of the visual amenities of the locality. The proposal is therefore contrary to policy 15 of the Adur Local Plan and paragraphs 127, 130-131 of the NPPF*

2) *The loss of the open space and the introduction of the proposed parking area in close proximity to the ground floor bedroom windows of residents in The Haven will cause a loss of amenity by way of noise, fumes and lights. The proposal is therefore contrary to policy 15 of the Adur Local Plan and paragraphs 127, 130-131 of the NPPF*

1.3 During the consideration of the application, a range of material considerations were examined and taken into account. Individual contributors made representations in response to the public consultation for the application. The Officer's Report summarises the comments that were made. This Statement sets out the Council's full case and elaborates on the reasons for refusal given on the decision notice.

2. Appeal Site

2.1 The appeal site comprises two areas of open space fronting the A259 Brighton Road, separated by an existing vehicular access and driveway serving The Haven, a 3 storey block of flats set back from the Brighton Road by between 28-50m. It was until recently a well kempt area of grass with some landscaping/hedge planting along its eastern boundary as shown in the Google Street View image from 2009 below, which had amenity value for the residents of The Haven as well as for the character of the area in general:



The site has been neglected since the appellants have taken ownership and some damage to the boundary wall has occurred following removal of the hedge planting, which had originally been provided as part of a landscaping scheme following the construction of The Haven in 1971 (see plan at Appendix 1 and Decision Notice at Appendix 2). The landscaping was required in the interests of the amenity and the environment of the development. It has not contained any built form for half a century, since a care home on the site was demolished to make way for The Haven.

To the west is Kings Court, a 3-4 storey block of flats similarly set back from the road with a grassed area in front. To the east, there are 4no. detached houses and bungalows also set back from the road a similar distance to The Haven before a line of dwellings positioned further forward, close to the road. To the north of the site on the opposite side of Brighton Road are bungalows and houses, set back from the road by around 15m.

3. The Appeal Proposal

3.1 The appeal proposal is for a development of 9no. flats in a predominantly two storey building with a pitched roof on the eastern part of the site. One of the flats is to be located within a link detached single storey building at the rear (south). The mix of units is

- 1no. 2 bed (3 person) flat
- 4no. 2 bed (4 person) flats
- 4 no. 3 bed (5 person) flats

Parking for 12 cars is to be provided on the western part of the site, to the west of the access road. An area of amenity space is to be provided at the rear of the proposed building. A cycle store for 10 bicycles is to be provided in the link between the single storey and two storey buildings, with a bin store in the south west corner of the amenity space.

3.2 The application subject of the appeal was supported by the following documents:

- Planning Statement
- Design and Access Statement
- Transport assessment
- Contamination Assessment
- Drainage Strategy
- Transport Statement
- Noise Assessment
- Air Quality Assessment
- Daylight and Sunlight Assessment
- Energy and Sustainability Assessment
- Landscape Management Plan

4. Planning History

4.1 L/74/71 Erection of 27 flats - approved

4.2 AWDM/1159/19 - Construction of 10no. flats (8 x 2 bed and 2 x 3 bed) within 2 storey building, with 9no. parking spaces, 10no. cycle spaces, amenity space and landscaping - withdrawn

5. Relevant Planning Policy

Relevant Legislation

5.1 Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 Planning law in section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved without delay, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF indicates where policies which are the most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Statutory Development Plans and Guidance

5.3 The statutory development plan for Adur is the Adur Local Plan 2017 and a list of those policies which are relevant to the appeal proposal is set out below:

1 The Presumption in Favour of Sustainable Development

2 Spatial Strategy

3 Housing Provision

15 Quality of the Built Environment and Public Realm

18 Sustainable Design

19 Decentralised Energy and Standalone Energy Schemes

20 Housing Mix and Quality

21 Affordable Housing

22 Density

28 Transport and Connectivity

30 Green Infrastructure

34 Pollution and Contamination

36 Flood Risk and Sustainable Drainage

5.4 The following documents are material considerations that are of particular relevance to this proposed development.

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
- Guidance on Parking Standards at New Development (West Sussex County Council 2019)

5.5 The following policies are relevant to the consideration of the impact of the development on the character and appearance of the area. Extracts of the key parts of the relevant Local Plan policies are provided below, but the full policies and supporting text have been provided under separate cover.

Extracts from the NPPF:

- *The NPPF sets out a presumption in favour of sustainable development. For decision taking this means:…c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, **or the policies which are most important for determining the application are out-of-date, granting permission unless**: i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole**.*

- *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. **Good design is a key aspect of sustainable development,** creates better places in which to live and work and helps make development acceptable to communities…(para. 124)*

- *Planning policies and decisions should ensure that developments:*

*a) will function well and **add to the overall quality of the area**…*

*b) are **visually attractive as a result of good** architecture, **layout** and appropriate and effective landscaping;*

*c) **are sympathetic to local character and history, including the surrounding built environment** and landscape setting…*

*d) **establish or maintain a strong sense of place…***

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe…and accessible…with a high standard of amenity for existing and future users…(para. 127)

- ***Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions**, taking into account any local design standards or style guides in plans or supplementary planning documents…(para. 130).*

Adur Local Plan 2017 Policy 15:

Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should: Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development; Include a layout and design which take account of the potential users of the site; Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment; Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space; Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity…..

Policy 30: Green Infrastructure

Green infrastructure will be protected and enhanced and access to it improved where necessary and appropriate. When considering green infrastructure provision, the ecological characteristics of the area will be taken into account in order to maximise the biodiversity benefits. Developments will be required to incorporate

elements of green infrastructure into their overall design, and/or enhance the quality of existing Green Infrastructure as appropriate.

The preamble to the policy makes it clear that undesignated sites can make an important contribution in terms of green infrastructure.

Housing Supply

5.6 In February 2020 the Government published the results of the Housing Delivery Test. Adur failed the test and delivered 56% of its housing delivery target: Therefore, the Council has applied a 20% buffer to its five year housing land supply calculation. Taking this into account, as at 1st April 2020, Adur (Adur Local Plan area) had a 4.8 year land supply (see Appendix 3).

5.7 Subsequently, in February 2021 the Government published the Housing Delivery Test 2020 measurement results. Adur delivered 48% of its requirement, and therefore the presumption in favour of sustainable development applies.

5.8 It is worth noting that a number of large strategic sites are about to start delivering a steady supply of housing in the District. New Monks Farm, Lancing is being built at present and Cala Homes has indicated that 30 dwellings are to be completed by the end of 20/21 with a further 50 per year forecast. Southern Housing has implemented its permission at Free Wharf, Shoreham Harbour for 540 dwellings (part of the broad location at Shoreham Harbour now supported by an adopted Joint Area Action Plan). The developer has utilized £10 million Housing Infrastructure Funding to complete the new sea wall and deal with site contamination. Its first phase, delivering 129 dwellings, is commencing shortly and is due to be completed by 2023/24 to secure affordable housing grant. These two sites would deliver 309 dwellings and a recent permission for 255 dwellings at Kingston Wharf, Shoreham by Hyde Housing is also scheduled to start soon. As this is a 100 % affordable housing site (part of a strategic partnership with Homes England) this site is also due to be completed by 2023/24. The completion of 120 dwellings at Ropetackle North and the delivery of 50 dwellings at Albion Street will go a significant way towards ensuring that the level of housing indicated in the Councils 5 year supply can be delivered in 2021/22. A decision on another strategic development at West Sompting (469 homes) is due to be made by the end of June 2021 and is expected to start delivering housing by 2022/23.

The Tilted Balance

5.9 It is common ground that the Council cannot demonstrate a NPPF compliant 5 year housing land supply, and therefore its housing supply policies are not considered up-to-date in the context of section 5 and para 213 of the NPPF and therefore cannot be afforded full weight for the purposes of considering this appeal. It is also acknowledged that this site does not fall within those listed in footnote 6 of the NPPF 2019 and that the results of the Housing Delivery Test are consistent with the test of footnote 7 of paragraph 11 (that is, less than 75%). It is agreed therefore that the presumption in favour of sustainable development is applied.

5.10 However, paragraph 12 of the NPPF states:
'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.'

It should be remembered that the NPPF is itself guidance rather than statute, and cannot remove the primacy of the development plan which is set by statute.

5.11 This approach was supported at the recent High Court case of March 2020 *(Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government & Anor [2020] EWHC 518 (Admin [2020] EWHC 518 (Admin))* which confirmed that NPPF policy, in particular paragraph 11(d), does not displace or distort the primacy given to the statutory development plan and section 38(6) of the Planning and Compulsory Purchase Act 2004 in circumstances where there is less than a five-year housing land supply. The presumption in favour of development in para 11d does not weaken the relevance of other development plan policies and this approach is also stated in para 12 of the NPPF.

5.12 The Court of Appeal judges ruled that, even where development plan policies are rendered "out of date" by housing land shortfalls, they remain "potentially relevant" to the application of the tilted balance and decision-makers are "not legally bound to disregard them". The court's ruling established that the provisions of the NPPF remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of development plan policies.

5.13 In conclusion, paragraph 11d of the NPPF does not make the policies of the development plan irrelevant. The policies of the development plan, in this case the Adur Local Plan 2017, may still be taken into consideration by the decision-maker even after issues of housing supply initiate the presumption in favour of sustainable development. Therefore, if a development causes harm to the character of an area, contrary to development plan policy, it follows that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and

the presumption in favour of sustainable development (the so-called ‘tilted balance’) would not be engaged in support of the appeal.

6 **The Council’s Case**

6.1 Based on the Council’s assessment during the application, and the Appellant’s Appeal Statement, the determining issues can be summarised as follows:

a) Impact on the character and appearance of the area - the proposal amounts to development which would harm the open character of this stretch of Brighton Road, to the detriment of the visual amenities of the locality

b) Impact on residents of The Haven - the loss of the open space and the introduction of the proposed parking area in close proximity to the ground floor bedroom windows of residents in The Haven will cause a loss of amenity

c) Planning balance – the Council contends that the conflict with the development plan, when considered as a whole, and identified harm, would significantly and demonstrably outweigh the modest benefits associated with the appeal proposal, and therefore planning permission should be refused.

Impact on the character and appearance of the area

6.2 The appeal site is in a prominent location and its development for housing in the manner proposed would not respect the prevailing character of the area. Further east of the site, Brighton Road contains development on both sides of the road, close to the road. From the junction with Kings Road westwards, however, the character changes with development on the south side set back from the road by a considerable distance before opening up in front of The Haven, where there are no boundary walls or features to obstruct the open character in front of several flatted blocks. This continues along to Beach Green, with buildings angling towards Marlin Court at the western end of the line of flats, where the buildings are closer to the road and have a low front boundary wall and hedge.

6.3 While not public open space, the appeal site has an important open character, forming the beginning of the open, undeveloped frontage on the south side of Brighton Road which eventually leads to Beach Green. The proposed development would introduce built form approximately just 2.5m from the pavement edge. A 1m high boundary wall is shown along the frontage, further enclosing this open area. To the west end of the site the grass area is to become a car park with hedge screening and other planting to soften views of it from the road. The buildings and car park will remove almost all of the current green open space in front of The Haven.

6.4 It is common ground that there was previously a building on the site which was demolished and replaced with The Haven in 1971, which was set back to allow for possible future road widening. While there was a building on the site, it was removed 50 years ago and the current open character of the area is well established. It should be noted that the building that did exist was set back from the road frontage, well behind the building line of those houses positioned further east, and therefore further back than that now proposed. It also did not cover as much of the appeal site as the current proposal. No precedent exists for buildings on the site in the form, scale or site coverage currently proposed. Moreover, as no structures have been present on the site for half a century, the site does not strictly meet the definition of previously developed land as set out in the NPPF.

6.5 The proposal would be detrimental to the area and the setting of The Haven. Its forward position, tight to the eastern boundary, with a large area of hardstanding for car parking to the west would result in a prominent and dominant development which would appear at odds with the other flats in the area which are set back from Brighton Road considerably.

6.6 By reason of its location and position close to the road, the development fails to respect and enhance the character of the site, and the prevailing character of the area, contrary to policy 15 of the Adur Local Plan. It fails to enhance the local environment by way of its appearance and character, with particular attention being paid to the density, scale, orientation, landscaping and layout of the development. Its form and siting in front of The Haven is unsympathetic to The Haven and it is not considered to make a positive contribution to the sense of place, local character and distinctiveness of the area, contrary to paragraphs 130-131 of the NPPF. It is not considered that the development fits in with the overall form and layout of its surroundings (paragraph 131) or improves the character and quality of an area and the way it functions (paragraph 130).

6.7 While not a listed building, The Haven is considered to be a building with architectural quality and interest, with part of its character defined by its set back position from the road with a green buffer inbetween. To intrude into this open space with unsympathetic buildings and car parking would cause unacceptable visual harm.

Impact on residents of The Haven

6.8 In terms of outlook, the residents of The Haven would suffer a loss of the sense of openness that currently exists. While they will continue to enjoy an open aspect towards the sea (south), the loss of the open space to the north and the construction of continuous built form across almost the entire width of the easternmost swathe of green space will impact on their amenity and outlook.

6.9 The occupiers of the flats at the western end of the building will be close to the proposed car parking area and are likely to suffer from disturbance from vehicle movements, fumes and car lights shining towards ground floor bedroom windows. Currently, parking for existing residents at The Haven is predominantly at the eastern end of the building. This is likely to have less impact on residents as vehicle movements are related to occupants of the flats themselves. The introduction of a separate large formal car park close to the west end of the building, to be used by residents unconnected to The Haven, is likely to cause a loss of amenity for the existing residents. The impact is exacerbated by the angle of the building which brings it closer to the car park and reduces the gap to 7-8m at its closest point.

Planning balance

6.10 The development of this site would have only modest benefits, such as

· provision of 9 new homes, to assist with under-supply (however, this figure is below the Council's threshold of 10 dwellings for seeking affordable housing contributions and therefore has less benefit to the wider community)

· accessibility of the location, which can benefit from local services and sustainable transport;

· the social and economic benefits of increasing the number of people living and being economically active in the town centre

However, the negative points are considered to demonstrably outweigh any benefits, namely:

· The loss of the open space and subsequent harm to the established character of the area

· The proximity of the development to the road and the impact this would have on the public realm, to the detriment of the character of the area

· The provision of substantial built form and car park in front of existing buildings, resulting in a loss of open aspect and harm to amenity of existing residents

6.11 The harm caused by the proposed development on the appearance and character of the area is not considered to be outweighed by other factors. The Authority recognises that the development may provide a small contribution to housing supply but the adverse impacts of allowing this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7 **Comment on the Appellant's Statement and Grounds of Appeal**

7.1 The appellant gives great weight to there having previously been a building on part of the site. The Council's response to this can be found at paragraph 6.4. The LPA reiterates their view that there has not been any structure on the site since 1971 and the open, undeveloped appearance of the site is therefore long established in the street scene.

7.2 The appellant refers to "mediocre" architecture along this stretch of the road. However, The Haven has a 1930s inspired style and is one of the more striking buildings along Brighton Road. Part of its character is gained from its set back position behind a grassed area. To construct a building and car park in front of The Haven would be detrimental to its setting and to the character of the area generally.

7.3 The appellant in para 6.29 of their statement refers to the site as having a "barren" appearance and that they will introduce hedge and tree planting. It should be noted that long-established hedge planting, which formed part of the landscaping scheme for the The Haven development, has been removed by the appellant.

7.4 In para 6.58 the appellant refers to an appeal case which appears to support the provision of housing even when a Council can demonstrate a 5 year housing land supply. However, there were substantial benefits with allowing that appeal which are not present here. That appeal would have resulted in 189 dwellings, including 30% affordable housing, retail and employment uses, a primary school site, public open space, play area and allotments. By stark contrast, the current appeal would result in only 9 dwellings, no affordable housing and no other social benefits.

8 Conclusion

8.1 The proposal would result in demonstrable harm to the character and appearance of the area through the loss of the open space. Its forward position and site coverage would result in a prominent and dominant development which would appear at odds with other development in the locality.

8.2 Taking account of the social, environmental and economic factors of sustainable development, overall, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits. As such, according to planning law and the NPPF amongst other material considerations, planning permission should be refused for the appeal proposal. It conflicts with the provisions of Policy 15 of the Adur Local Plan 2017 and guidance contained within the National Planning Policy Framework. Accordingly, the Inspector is respectfully requested to dismiss this appeal.

8.3 Notwithstanding these conclusions, should the Inspector be minded to allow the appeal, it is respectfully requested and without prejudice to the Council's case, that the conditions appended to this statement, be included in the decision.

List of Conditions should Appeal be Allowed (Without Prejudice)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans. [As listed in the Statement of Common Ground]

Reason: For the avoidance of doubt and in the interests of proper planning.

3.Construction works shall not progress beyond slab/foundation stage until details and samples of facing materials and finishes to be used in the construction of the external walls, roof, windows, doors, balconies, footpaths and ground floor patios of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area in accordance with Policy 15 of the Adur Local Plan and provisions of the National Planning Policy Framework.

4.The bathroom windows on the South elevation shall be fitted with obscured glazing prior to first use and thereafter the obscure glazing shall be retained at all times.

Reason: To ensure a satisfactory relationship with the occupiers of The Haven and to ensure a satisfactory living environment for future occupiers of the development in accordance policy 15 of the Adur Local Plan and the provisions of the National Planning Policy Framework.

5.Construction works shall not progress beyond slab/foundation stage until details of all boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the building shall not be occupied until such walls and/or fences have been erected and they shall thereafter be retained permanently.

Reason: In the interests of amenity having regard to Policy 15 of the Adur Local Plan and the provisions of the National Planning Policy Framework.

6.All works, which form part of the approved acoustic protection scheme, shall be completed before any part of the development is first occupied. The glazing specifications outlined in the Noise Assessment December 2019 shall be implemented in full and the scheme shall include a MVHR ventilation system, which shall include a summer bypass to prevent overheating. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise and certification to confirm this shall be provided to the Local Planning Authority prior to the first occupation of the development.

Reason: To ensure a satisfactory living environment for future occupiers in accordance with policy 34 of the Adur Local Plan and provisions of the National Planning Policy Framework.

7.Notwithstanding the details shown on the approved plans, no part of the development shall be first occupied unless and until covered and secure cycle parking has been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide alternative transport options to the private car in accordance with current sustainable transport policies and in accordance with policies 15 and 28 of the Adur Local Plan and provisions of the National Planning Policy Framework.

8.No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Additional information plan – illustrative plan showing sight lines' (no revision) dated February 2020 and numbered 01-03 (no revision) with the provision of tactile paving either-side of the bellmouth to assist with the crossing of pedestrians at this point.

Reason: In the interests of road safety having regard to policy 28 of the Adur Local Plan and provisions of the National Planning Policy Framework.

9.No part of the development shall be first occupied until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto A259 Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety having regard to policy 28 of the Adur Local Plan and provisions of the National Planning Policy Framework.

10.No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the Development having regard to policy 28 of the Adur Local Plan and provisions of the National Planning Policy Framework.

11.No part of the development shall be first occupied until Electric Vehicle Charging (EVC) spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies, policy 28 of the Adur Local Plan and provisions of the National Planning Policy Framework.

12. The development hereby permitted shall not be commenced until details of the proposed foul water drainage have been submitted to and approved by the Local Planning Authority in consultation with Southern water and the building shall not be first occupied until all foul water drainage works have been carried out in accordance with the approved details.

Reason: To ensure adequate foul water drainage of the development in accordance with policy 29 of the Adur Local Plan and provisions of the National Planning Policy Framework.

13. Development shall not commence, other than works of demolition, site survey and investigation, until full details of the proposed surface water drainage scheme, including Sustainable Drainage (SuDS) principles, and management and ongoing future maintenance arrangements, have been submitted to and approved in writing by the Local Planning Authority. No part of the building shall be occupied until the complete surface water drainage system serving the site has been implemented in accordance with the approved details and shall be maintained in good working thereafter.

Reason: To ensure adequate surface water drainage of the development and to reduce the risk of flooding in accordance with policy 36 of the Adur Local Plan and provisions of the National Planning Policy Framework.

14. Immediately following implementation of the approved surface water drainage system provided under condition 13 and prior to the occupation of any part of the development, the applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the

scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained as such thereafter.

Reason: To ensure adequate surface water drainage of the development and to reduce the risk of flooding in accordance with policy 36 of the Adur Local Plan and provisions of the National Planning Policy Framework.

15. Notwithstanding the details shown on the approved plans, no part of the development shall be first occupied unless and until provision for communal refuse storage has been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity having regard to policy 15 of the Adur Local Plan and provisions of the National Planning Policy Framework.

16. No development shall take place until a Construction Method Statement and Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement and Plan and shall be adhered to throughout the construction period. The Statement and Plan shall provide for:-

i. the anticipated number, frequency and types of vehicles used during construction – HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's
ii. the method of access and routing of vehicles during construction,
iii. the method of access and routing of vehicles during construction
iv. parking of vehicles of site operatives and visitors;
v. loading and unloading of plant, materials and waste;
vi. a commitment to no burning of waste material on site,
vii. storage of plant and materials used in constructing the development;
viii. the erection and maintenance of security hoarding;
ix. wheel-washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
x. measures to control the emission of dust and dirt during construction.
xi. details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety, residential amenity, environmental protection, and public health and safety in accordance with policies 28 and 34 of the Adur Local Plan and the provisions of the National Planning Policy Framework.

17. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 hours on Saturday. No development shall take place on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with policy 34 of the Adur Local Plan and the provisions of the National Planning Policy Framework.

18. Construction work shall not progress beyond slab/foundation stage unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping, and programme for maintenance. The submitted details shall include written specifications and schedules of all new tree/shrub/soft planting stating their species, sizes and numbers/densities and the programme of implementation. All soft landscape works shall be carried out in accordance with the agreed planting scheme and implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced the following planting season with others of similar size and species, unless the local planning authority gives any consent for variation. The approved hard landscape works shall include details of the car parking surface and shall be completed prior to first occupation of the buildings.

Reason: In the interests of amenity having regard to policies 15 and 30 of the Adur Local Plan and provisions of the National Planning Policy Framework.

19. Notwithstanding the details shown on the approved plans, no part of the development shall be first occupied unless and until a package of sustainable construction measures have been incorporated into the development in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development achieves an appropriate reduction in carbon emissions in order to reduce the impacts of climate change in accordance with policies 18 and 19 of the Adur Local Plan and provisions of the National Planning Policy Framework