

REPORT UPDATE

Application No: AL/102/17/RES

Reason for the Update / Changes

For clarification:

The application is a reserved matters application. This deals with the following outstanding details of the outline permission including:

- appearance
- landscaping
- layout
- scale

The access arrangements were part of the outline application. The details of the reserved matters application must be in line with the outline approval.

There have been concerns raised in relation to flooding, surface water drainage, foul drainage, healthcare provision, lighting and tree protection.

The outline permission (AL/61/13) included the following conditions:

Condition 3 - lists the approved plans for the access points for the site

Condition 4 - requires a plan to show tree removal and prevents tree or hedge removal unless in accordance with that approved plan

Condition 5 - requires an Arboricultural Method Statement to be submitted and approved

Condition 10 - requires the detailed plans for the pedestrian and cycle access points onto Northfields Lane.

Condition 16 - requires the precise details of any proposed external lighting

Condition 19 - requires full details of surface water drainage scheme

Condition 20 - relates to consent for any flows to be discharged to the watercourse

Condition 22 - proposed foul drainage system details

A discharge of conditions application (AL/119/17/DOC) has been submitted for condition 5 (Arboricultural Method Statement), 8 (Archaeology), 14 (Japanese Knotweed), 15 (Construction Management Plan), 17 Ecological Enhancement Scheme and 18 (Construction Method Statement). A further discharge of conditions application will be required for the drainage related conditions, once the winter groundwater monitoring is complete.

The discharge of conditions and the matters conditioned are outside the scope of this reserved matters application.

In relation to healthcare, the contribution towards the Croft Surgery was agreed at the outline stage and was considered to mitigate the direct impact of the proposal on health services and compliant with the CIL Regulations. The contribution of £116,727 is set out in the agreed S106, which cannot be amended through the reserved matters application process.

Reason for Update/Changes:

Page 65 - additional representations received:

Under 'Jacaranda' add:

- Relieved to see that the LEAP has been moved away from the property and that the tree screen will be retained.
- Queries raised in relation to the technical report in relation to the TPO'd tree T15
- Concerns about retaining wall undermining fence and roots of Laurel hedge
- Option to retain tree and introduce steps would be preferable
- Concern over space for cycles to slow down before meeting the road
- Alternative location should be explored further
- Concern about the feasibility of providing a cycle and pedestrian route that meets the required standards

Officers comment:

Comments from Mr Olliff of Jacaranda were relayed back to the applicants who provided a document appraising the feasibility of the shared path, which was shared with Mr Olliff. The report confirms that it may not be possible to meet the preferred minimum width of 3.0m in this location but that it would only be a short section (less than 6m). The technical details of this access will be provided under Condition 10 of the outline application. Overall, it is considered that a marginally substandard access is preferable to no access points in this location - in order to meet the requirements of the outline permission which include an approved plan showing a pedestrian and cycle access in this location and to ensure the sustainability benefits are achieved. It is not possible to remove this access point through the reserved matters application, as the principle has already been established at the outline stage.

Page 68 - Tree Officer comments now received:

- No issue with trees listed and shown for removal to facilitate this scheme.
- Agree with the appraisal of the TPO'd Holm Oak which requires removal to facilitate the cycle path. It is a young tree of limited value which has growth potential and has already caused significant problems with the associated buildings. Concerns raised in relation to future growth in proximity to building causing problems. Advise that best if allowed to remove the tree and plant several semi-mature Holm Oaks in mitigation as part of open space to north of trees location.
- Unacceptable that two oak trees in centre of open space being hemmed in and placed under pressure from these proposals - re-design should be sought to fully accommodate RPA's of both of the trees with no incursion
- General layout well considered
- Protective fencing fit for purpose and compliant with regulations
- TPO recommended for the 2 oak trees and oak T51
- conditions recommended

Officers Comment:

A revised layout for the central open space has been submitted which avoids the majority of the root protection area (RPA) for the 2 oak trees. A further comment has been received from the Tree Officer on this layout which considers that it is still not satisfactory due to the large amount of open space available. However, given that the paths now avoid the majority of the root protection areas and the small amount of hard landscaping within the RPA would be constructed using 'no dig' methods, the amendment is considered to be acceptable. The Tree Officer views in relation to the Holm Oak (T15) support the

conclusion in the main report in relation to this tree. Condition 5 of the outline permission will secure the necessary Arboricultural Method Statement to ensure that the correct methods are used.

Page 77 - Amended layout to address concerns in relation to access to 'Luakela House'

Officer Comment:

As set out on page 77 of the report under Highways and Access the pedestrian/cycle access adjacent to Luakela House should not have been included in the reserved matters application as it was excluded from the outline. This has now been removed from the plans.

Page 82:

Condition 1 - Revised plans as follows:

101 Site Layout Plan Rev C
Soft Landscaping Plans 1-4 (501-504) JSL2869 Rev F
Hard Landscaping Plan (201) JSL2869 Rev F
Landscape Management Plan 570C Rev E (12/01/18)
Play Strategy - Central Open Space JSL2869 101 Rev C
Play Strategy Southern LEAP - JSL2869 102 Rev C

Amended plans are to be submitted to reflect the revisions to the layout of the path within the play area. The plans to be so amended are;

102 External materials and boundary treatments plan - Rev B
103 Surface materials plan - Rev A
104 Refuse management plan - Rev A
105 Affordable tenure plan - Rev A
106 Garden areas plan - Rev A

It is recommended that authority be delegated to the Group Head of Planning in association with the Chairman and Vice-Chairman of Development Control Committee to approve the application following the submission of the amended plans.

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 Approval of Reserved Matters Following Outline Approval

REF NO: AL/102/17/RES

LOCATION: Nyton Nursery
Nyton Road
Westergate
ALDINGBOURNE

PROPOSAL: Application for approval of Reserved Matters for the demolition of existing glasshouses, bungalow, stables & outbuildings & residential development of 268 dwellings incl 30% affordable housing (incorporating 60 senior living units) with associated access, public open space & landscaping

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	11.64 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	18dph
TOPOGRAPHY	Site slopes down gradually from north to south.
TREES	Many within the site and forming the boundary to the western edge. Significant line of trees running north-south from the southern part of the site. A Tree Preservation Order (TPO/AL/13) covers an ash tree and evergreen oak located in the south western corner of the site.
BOUNDARY TREATMENT	The eastern boundary of the site is kept by a hedgerow which supplements low level post and wire fencing. Northern boundary kept by various fencing, intermittent hedging and a row of trees to the north-west corner. Southern boundary kept by mature hedging, low level wire fencing in part and fencing. Part of the western boundary is kept by domestic boundary hedging/fencing to the larger residential curtilages within Northfields Lane and the north part by a country lane with open farmland beyond.
SITE CHARACTERISTICS	The site was predominantly in agricultural use with a large part of the land previously in use as grazing land with a barn and storage area for farm machinery/equipment centrally located within the site. Existing horticultural use was located to the south-west corner of the site. The use included greenhouses with growing areas and a residential property which is associated with the nursery. The greenhouses have been demolished. The north-west corner of the site is in use for the keeping of horses with stables and associated hard-standing.
CHARACTER OF LOCALITY	Accesses are currently available to the site from Fontwell Avenue, Nyton Road and Northfields Lane Site is located on the edge of the settlement of Westergate. Residential properties line the southern boundary of the sites, these are a mix of 1 and 2 storey properties of varied designs. Pig sheds, farmland and scrap yard to the north/north-east of the site with residential properties and Fontwell Racecourse beyond. To the east is the A29 with residential properties beyond. Northfields Lane runs along the western boundary which

provides a significant landscape buffer between the application site and the open arable farmland to the west.

RELEVANT SITE HISTORY

AL/119/17/DOC Application for approval of details reserved by condition imposed under AL/61/13/ (APP/C3810/A/14/22173850) relating to conditions 5-Arboricultural Method Statement, 8- Archaeological Investigation, 14-schedule for removal or long term management of Japanese Knotweed, 15- Construction Environmental Management Plan, 17- Ecological Enhancement Scheme & 18-Construction Method Statement.

AL/61/13/ Outline application with some matters reserved for the demolition of existing glasshouses, residential bungalow, stables and various outbuildings and residential development of up to 268 dwellings including 30% affordable housing (incorporating 60 Senior Living units), with associated access, public open space and landscaping. This is a Departure from the Development Plan.

Refused
14-02-14

**Appeal: Allowed+Conditions
23-02-15**

The outline application (AL/61/13) was refused in February 2014 for the following reasons: outside the built up area boundary, lack of S106 undertaking in relation to affordable housing and other infrastructure requirements. Permission was granted on the 23 February 2015 following an appeal with a S106 agreement including on site affordable housing and open space and contributions towards swimming pool, sports hall, artificial pitches, NHS, public art, MUGA, Highway works, library, education, fire service, footways and cycleways, bus service funding and a Travel Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council

Object:

- Application incomplete, request to withdraw until complete information on - landscape proposals, drainage and foul water, requirements of appeal met, local infrastructure requirements met (e.g. GP practice)
- Object to drainage scheme and lack of information on drainage
- Confirmation required from SW that Lidsey has sufficient capacity as when tested 18 months ago ground water levels very high and recent Operation Watershed works in Northfields Lane should not be compromised
- Strong objection to temporary sewerage solution
- Lack of adequate healthcare provision

- Requirement for native British stock for trees to preserve native species genus
- Request for a financial sum to long term management of trees and landscaping should the management company default
- Lack of information on bat habitat
- Lack of communication from developers
- Specific concerns by Mr Walters re access; Mr Setter re screening and Mr Olliff re loss of tree and vegetation to provide cycle access
- Alternative cycle access to the east not progressed
- Insufficient information on lighting in relation to 'Unlit Village Status' policy EH10 of ANP
- Request deferral of decision until matters above resolved

6 representations have been received objecting to the application and raising the following matters:

Procedure:

- Lack of neighbour notification
- Notices not placed on Northfields Lane or at proposed emergency access off Northfield Lane
- Lack of information/ communication from Taylor Wimpey

Drainage and flooding:

- Ditch with boundary to rear of Northfields Lane to be relocated - property owners have a right to be consulted on this as they have riparian rights
- Environment Agency flood zone maps have been updated since 2015 decision now show parts of site in Flood Zone 2, how has this been addressed and who will be liable if existing houses flood?

Trees and ecology:

- No further arbour report attached, plans show different trees not all the same trees
- Proposal includes removal of trees protected by TPO, in particular a Holm Oak
- Oak and Ash trees acknowledged to be fine specimens
- Removal of trees is justified by cycle route provision - object to route in this location - footpath could be accommodated without loss of trees
- Other trees to be removed also provide habitat for bats and wildlife
- Barn owls, kestrels, buzzards and bats fly over and hunt across the site - negative impact on protected species
- Lighting needs to be kept to a minimum to avoid impacts on wildlife habitat (Fontwell Farm)
- Construction impacts need to respect wildlife on Fontwell Farm (noise, dust, light, vibration)

Amenity:

'Jaracanda' property adjacent to site boundary:

- Windows face children's play area and cycle path (within 2m of fence)
- Removal of trees and shrubs will expose property and reduce quality of life
- Noise, traffic pollution, and overlooking concerns from play area, cyclists and pedestrians
- Anti-social behaviour due to lack of passive surveillance
- Suggestions for re-aligned play area and cycle way provided to developer
- Lighting proposals need to avoid lights shining into habitable rooms

'The Haven' property on Northfield Lane

- Semi-detached houses of Plots 21 and 22 are set at angle that would enable potential residents to see into existing property
- Plots 20, 19, 18 and 17 also appear to have uninterrupted views into property - screening with trees 20 feet high suggested and fencing to demarcate the boundary.
- Application does not address concerns over limiting the impacts of lighting on neighbouring residents (linked to biodiversity mitigation proposals at outline)

'Fontwell Farm'

- Concern there are no plans for fence between new development and Fontwell Farm
- Wooden fence and hedge proposed would cause safety concerns for public as it will not prevent children and dogs entering farmland
- Drawings need to be corrected to reflect correct boundary line
- Borehole needs to be decommissioned correctly

'Luakela House'

- Plans don't show access to property driveway
- Plans unclear about what drive to west of property will be used for - concerns about safety
- What will happen to fence to north and east of property
- No detail of pumping station
- Concern about tree clearance

Traffic:

- Proposed exit/ entrance insufficient for additional traffic as already high traffic area and close to corner
- traffic builds up at key times and due to railway crossing

Infrastructure:

- Additional pressure on doctors surgery

Other:

- Japanese knotweed present on the far side of the ditch

COMMENTS ON REPRESENTATIONS RECEIVED:

All comments above are duly noted, the issues raised are discussed in detail below.

Neighbours were notified by means of site notices placed around the site in accordance with the statutory requirements.

CONSULTATIONS

Highways England

Network Rail

WSCC Strategic Planning

Environment Agency

Natural England

Surface Water Drainage Team

Environmental Health

Parks and Landscapes

Southern Water Planning

Economic Regeneration

Planning and Housing Strategy

Sussex Police-Community Safety

Engineering Services Manager

Engineers (Drainage)

NHS Coastal West Sussex CCG

Arboriculturist

Parks and Landscapes

Southern Water Planning

Southern Water Planning

Planning and Housing Strategy

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Greenspace: No objection

- Comments raised under AL/61/13 - some superseded but fundamentals still valid
- Application provides comprehensive detail regarding public open space, play provision, general landscaping and landscape buffer areas
- Public open space areas appear suitable in size and location with central open space for play equipment easy to access and overlooked
- Play offer good and varied mix providing range of play experiences
- Landscaping detailed and provided good species diversity, suitable for location
- Buffer to the north well thought out providing open space, native screening, specimen trees and pathways, will form sufficient barrier over time to prevent access to private land to north
- Consideration should be given to stock fencing as additional deterrent along boundary
- Details of planting density required
- Shelterbelts on boundaries to east, south and west less valuable as open space but all allow habitat formation and will increase biodiversity and provide screening
- Comprehensive management plan needed for these areas
- Amended drawing required to include tree as mitigation/ screening for siting play area to southern boundary

Following submission of additional information:

- Information addresses concerns raised above - detail provided on maintenance and management, planting densities and mix and detail regarding the LEAP.

Sussex Police: No major concerns but following additional measures should be considered:

- Issues raised at the appeal remain extant
- Street lighting throughout should conform to BS5489:2013 and for car parking lighting at Extra Car Senior Living Home
- Parking bays outside flats, plots 92 - 99 and flats 208- 207 should be illuminated as they are vulnerable in recessed areas
- Suitable boundary fence to northern perimeter to deter access by farm animals and access from site to fields
- Areas of play should be overlooked and surrounded with self-closing gates to provide dog free environment
- LAPs and LEAPs located with good surveillance
- Recommendations on access arrangements for extra care apartments, CCTV, fire doors, internal doors, lighting of covered walkway and stairwells, cycle stand specifications.
- Perimeter fencing to back of communal gardens must be adequate with side and rear gardens fencing min of 1.8m height with robust gates of same height.

Network Rail: No objection

- A29 already congested.
- None of crossing on the map will have an impact on the development as too far to be of any

consequence.

- Woodgate crossing manually controlled - risk is safely controlled

NHS CCG:

- Requested funding contribution of £294,000 towards managing GP consultant care at the Croft Practice.

Housing Strategy: No objection

- Policy compliant scheme of 30% affordable housing on-site incorporating 60 senior living units and 20 other affordable homes.
- Tenure split of 50% affordable rent and 50% shared ownership acceptable
- 333 residents identified as potentially needing extra care in Westergate area, a proportion of whom may prefer to buy rather than rent so blended scheme providing affordable rent and shared ownership desirable.
- Advice provided on engaging with preferred housing partners
- Inclusion of extra care housing scheme for affordable housing fully supported.

Environment Agency: No objection

- No objection in principle to the proposed development as submitted

Engineers:

- Insufficient information on winter groundwater levels and percolation testing
- Groundwater springs known to frequent the area
- Shallow soakage should be utilised if possible and/or restricted discharge to watercourses (not exceeding greenfield runoff rates)
- Peak groundwater levels are considered critical to the design
- Due to known flooding problems in the area, betterment should be considered where possible

Highways England: No objection

- Submitted Travel Plan specifies what measures would be taken should the monitoring process indicate that targets are not being met.

Local Highway Authority (WSCC): No objection

- Parking and cycle space provision in line with WSCC parking standards
- Internal roads to remain private
- Vehicle tracking provided and detail refuse vehicle and fire engine can access and exit site in forward gear
- Offsite highway works - details of works to widen existing footway along Nyton Road to be agreed with WSCC
- S106 requirements - contributions to Eastergate- Barnham footway/ cycleway, signalised pedestrian crossing and public transport infrastructure required
- Travel plan - target should be expressed as vehicle trips and TPC contact details to be included if possible and second round of £150 vouchers if target not achieved.

Natural England: No Objection/ refer to standing advice

- Unlikely to affect any statutorily protected sites
- Apply duty of regard in relation to South Downs National Park and local landscape policies
- Apply standing advice for protected species
- Explore opportunities for biodiversity and landscape enhancement

Southern Water:

- Currently cannot accommodate the needs of this application without the development providing

additional local infrastructure.

- Development would result in increase flows into wastewater sewerage system and as a result increase risk of flooding
- Alternatively developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows to the foul system - to be backed up by survey information
- Lidsey catchment under hydraulic issue preventing connection of any additional foul flow into the network
- Development flow may be permitted into the network if the developer can prove the removal of surface water flows into the system - must be approved by Southern Water
- Conditions requested requiring drainage strategy
- Advice re not positioning pumping station closer than 15m to habitable rooms
- Advice on adopting 'practical measures to reduce potential impact of development'.

Further advice:

- SW currently in consultation with developer regarding design of required off site network improvements (under S98 of Water Industry Act)
- The matter of allowing connection to public sewer of some residential dwellings in interim period (before completion of off site infrastructure works) is a subject of detailed hydraulic assessment carried out during above process.

Further advice:

- Foul sewage can be discharged to the public foul network on completion of the proposed works following implementation of design solution
- Pending implementation of the S98 scheme works SW assessing temporary proposals for temporary flow inhibit pumped discharge to public sewer combined with tankering of excess from the site.
- If feasible, temporary solution for time period not exceeding 5 years
- Temporary tankering needs to be assessed by planning authority due to increased vehicle movements

Tree officer:

A response is awaited and an update will be provided.

Environmental Health: No objection

- Noise report submitted with the outline is satisfactory, no concerns in relation to noise.

COMMENTS ON CONSULTATION RESPONSES:

The level of the NHS contribution has been queried by the Parish Council, following submission of a response from the NHS to the application. The NHS have verbally clarified that their response didn't take into account that this was a reserved matters application with an already agreed S106 agreement. Written confirmation of this has been requested and an update will be provided. Under the agreed S106 the development would provide a contribution of £116,727 (index linked) to be used for provision of healthcare facilities and services in the District of Arun including an extension to Croft GP Surgery in Eastergate. The contribution was considered by the Inspector to mitigate the direct impact of the proposal upon health services that were operating at capacity. There is no evidence that would support a change in this position and the S106 cannot be amended as part of this application.

The S106 requirements requested by WSCC are already included in the agreed S106 Agreement.

POLICY CONTEXT

Designation applicable to site:

Class A Road

Outside the Built-up area boundary
Area of special control on adverts

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC DM1	Renewable Energy
ECC SP1	Adapting to Climate Change
ENV DM1	Designated Sites of Biodiversity or Geological Imp
H DM1	Housing Mix
H DM2	Independent Living & Care Homes
H SP2	Affordable Housing
HWB SP1	Health & Wellbeing
OSR DM1	Open Space, Sport & Recreation
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development

Main Modifications of the Local Plan (April 2017):

H SP1 Housing Allocations

<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH6</u>	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH9	Conservation Area
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY	10 or more to include 40% unless unviable

H4

Affordable Housing

Aldingbourne Neighbourhood Plan 2016 POLICY
H8Dwellings must have adequate private or shared
amenity.

Outdoor space

Aldingbourne Neighbourhood Plan 2016 POLICY
H9

Items to consider e.g. - bin stores

Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

XXX6	Interim Affordable Housing Policy
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination into the proposed Plan modifications took place in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

This application is for:

- appearance, landscaping, layout, and scale (of reserved matters, only access had been previously approved).

The proposals relate to reserved matters development following the grant of outline planning permission under appeal decision ref. APP/C3810/A/14/2217385, dated 23 February 2015. The appeal Inspector concluded that the proposal would be socially, economically and environmentally sustainable. It was recognised that the site is within a countryside location and therefore contrary to Policies GEN2 and GEN3 of the Local Plan, but the Inspector only accorded them minimal weight. The Inspector also concluded that policies GEN2 and GEN3 were relevant to the supply of housing and therefore could not be considered up-to-date. Therefore, the presumption in favour of sustainable development was applied and the contribution that the site would make towards much needed housing, including affordable housing was a strong material consideration.

The principle of the development and site access has therefore been established.

AFFORDABLE HOUSING and HOUSING MIX:

For all developments over 15 units, the Council requires a minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified emerging Local Plan (eALP) and in the Interim Housing Policy 2010. The ANP Policy H4 requires 40% affordable housing and Policy H2 that the housing mix should deliver a range of house types, sizes and tenures, including supporting proposals where at least 25% of dwellings meet Lifetime Home standards.

The level of affordable housing provision was agreed with the outline permission (AL/61/13) and is set out in the accompanying S106 Agreement. This provides for a total of 80 affordable units (60 units for senior living and 20 for affordable rent and intermediate). The proposed tenure split is 50% social rented 50% intermediate. The overall amount of affordable housing remains compliant with the policy at 30% and the mixture of shared ownership and affordable rented units within the extra care scheme would meet an identified need in the Westergate area. The scheme is not required to comply with the ANP requirement for 40% affordable housing as the percentage of affordable housing was established before the ANP was 'made'. The purpose of ANP Policy H2 supporting proposals with at least 25% Lifetime homes standards is to assist with the needs of an ageing population. It is considered that the extra care element of the scheme would provide for the needs of older residents in the local area. As the wording is 'will support' rather than 'will require', it is considered that the scheme complies with the policy.

The scheme provides the following mix of dwelling sizes and types (excluding the extra care) :

188 Market units:

- 11 no 2 bed flats (6%)
- 7 no 2 bed houses (4%)
- 73 no 3 bed houses (39%)
- 107 no. 4 bed houses (57%)
- 8 no. 5 bed houses (4%)

20 Affordable units:

- 8 no. 2 bed flats
- 12 no. 3 bed houses

The extra care scheme includes:

60 units:

- 42 no 1 bed flats
- 18 no 2 bed flats

Policy H DM1 seeks a mix of dwelling types and sizes and for developments over 11 units a balanced mix based on the most up to date SHMA. The latest housing need evidence (GL Hearn 2016) recommends that between 40- 45% of new market homes should be 2 bed houses; 35-40% should be 3 bed houses; 10 - 15% should be 4 bed houses. This site would provide a significantly higher proportion of 4 bed houses and significantly lower proportion of 2 bed dwellings than the recommended mix. No justification for the difference has been provided. Therefore the site does not provide a balanced mix of dwellings in accordance with the latest evidence as required by Policy H DM1. However, as the eALP policy has not been adopted, it has limited weight. The ALP makes no reference to a mix of sizes and the ANP Policy H2 states that 'proposals for new housing must deliver a range of house types, sizes and tenures'. As the neighbourhood plan policy has full weight, the proposal is considered to accord with Policy H2 as it delivers a range of 2, 3, 4 and 5 bed houses and some flats. The extra care element is

also smaller 1 and 2 bed units which balances the mix overall.

LAYOUT, SCALE AND APPEARANCE

Saved policy GEN7 considers the form of new development and requires that new development responds positively to the identified characteristics of a particular site and creates a development which respects those characteristics. Policy H1 of the Aldingbourne Neighbourhood Development Plan requires that proposals for new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Policy H3 of the same plan considers housing density and seeks that new development is appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H9 considers attention to detail to be considered early.

Emerging policies D SP1, D DM1, D DM2 and D DM3 consider design, aspects of form and design quality, internal space standards and external space standards respectively. New housing development should consider a wide range of elements including character, appearance/attractiveness, impact, layout movement, layout legibility, density and scale, designed in a way that reduces/prevents crime.

H DM2 sets out criteria for independent living and care homes, including that the design of the scheme can be easily adapted to the varying needs of the users of the scheme, of a scale and design appropriate to the local context and providing amenity space.

The site as proposed would be laid out around a principle street which loops around the development. The proposed carriageway would be 6.5m along the access road which reduces to 4.5m width within the development. There would be a 3m dedicated footway/cycleway on one side, which starts opposite the proposed care home, and a 2m footway on the other side around the majority of the site. The secondary roads are proposed to be shared surfaces with a total width of between 4.6m and 7.5m.

The site has proposed shelterbelt landscape planting around the boundaries of the site with the northern shelterbelt incorporating an informal path. The layout includes a large central area of open space and a LEAP to the southern edge of the site. The care home is located at the entrance to the site with car parking to the rear of the building and a private amenity space in the centre of the 'U' shaped buildings. The dwellings are well oriented to provide a consistent frontage appearance across the site, with feature properties on key locations and corners within the site to provide further active frontages maximise the corner locations.

The dwellings are primarily 2 storey with a small proportion at 2.5 storeys and one apartment building with a 3 storey section (to the eastern boundary). The extra care scheme would be a series of blocks from 2 to 3 storeys in height. There is a mixture of detached and semi-detached properties proposed with a few terraces of 3 properties and some apartments.

Policy H8 of the Aldingbourne Neighbourhood Development Plan requires that all new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area. The external amenity space proposed is 50sq m for a 2 bed house, 65 sqm for a 3 bed house, 85/100 sqm for a 4+ bed house and 5 sqm for a 2 bed flat. These standards accord with the external space standards set out in Policy D DM3 of the modified eALP and Policy H8 of the ANP.

The affordable housing on the main site is situated on the eastern boundary in 3 clusters. This would ensure that the affordable housing is integrated with the market housing on the site. There are different character areas on site. The 'gateway' is located at the access to the site, with the extra care facility to the north and the main dwellings at the access to the rest of the site. The proposed character of this area is to have a 'green route' into the site, with a landscaped street and landscaped gardens of the extra care facility. The 'central green' character area is dominated by 2 retained oak trees and retained

hedgerows, as well as the informal open space and equipped play area. The open space would be overlooked on the western side by a semi-formal arrangement of detached and semi-detached properties. The 'greensward' character area is adjacent to the northern shelter belt and properties here would have a looser building line behind a shared surface street and overlooking the shelterbelt area. The majority of the site is within the 'neighbourhood' area where the proposal is that the configuration of houses is more formal along the primary and secondary streets and adjacent to shared surface areas.

It is considered that the proposed character areas across the site provide a legible layout with focal points provided by key buildings, differing styles and materials, strong landscape and open space features and through the different treatment of the roads within the site. The layout provides a clear street hierarchy and has considered cycling and walking as well as vehicular movements (covered further below).

The materials and finishes proposed for the housing include: 3 colours of brickwork, small format plain roof tiles, timber style weatherboarding, tile hanging to upper storey on key buildings and flint facing to key buildings. Decorative chimney stacks are proposed on prominent plots and windows are proposed to be PVCU. The dwellings proposed would be traditional in style with pitched roofs to reflect the local vernacular. The extra care facility would use a similar pallet of materials but with a more contemporary style of architecture. Boundary treatments proposed include brick walls on more prominent locations and 1.8m fencing.

The design of the traditional style dwellings described above, is considered to be appropriate for the location and in keeping with the surrounding area, with architectural details (e.g. differing brick courses around windows, chimney stacks) which add to the interest features. The design of the extra care facility, whilst being more contemporary in style, would tie in with the housing scheme through the use of a complementary palette of materials. Overall, the design of the buildings accord with GEN7 of the ALP, Policies H1 and H9 of the ANP and Policy D DM1 of the modified eALP.

Consideration has been given to crime prevention through the design and layout of the site. The number of properties with side and back garden fencing adjacent to the roads has been minimised and rear access to plots would have lockable gates enclosed by 1.8 - 2m high fences or walls. The play areas and open spaces have good natural surveillance and overall the proposals comply with Policy D DM1 of the modified eALP through providing security measures to make the place feel safer.

The density of the main site is 18dph (excluding the extra care facility). It is considered that the proposal makes efficient use of the land while providing a mix of dwelling types and taking into account the character of the surrounding area (which has a broad mix of dwelling types, sizes and densities).

LANDSCAPING AND OPEN SPACE PROVISION:

Policy EH6 of the ANP considers the protection of trees and hedgerows and encourages development to enhance biodiversity and the inclusion of trees of good arboricultural and amenity value in schemes. Policy GEN28 of the ALP protects trees with a TPO unless the removal of the tree would be in the interests of good arboricultural practice or the benefits of the proposal outweigh the amenity value of the protected trees. The policy also seeks equivalent replacement trees.

Emerging Local Plan policies LAN DM1, SO DM1 and ENV DM4 consider protection of landscape character, soils and protection of trees.

Arun District Council's Open Space and Recreation Standards Supplementary Planning Guidance (SPG) advises on the amount of public open space to be provided by new development. It advises that a well designed scheme could incorporate areas of open space, existing landscape features such as mature

trees and hedgerows, appropriate new planting, provision of children's play areas and car parking and a mechanism for long-term management of the developing landscape. The general criteria stipulates that large usable blocks of open space should be provided and land allocated for public open space should be done so in addition to that required for the purposes of the Highway Authority. For developments exceeding 50 dwellings, it is expected that a Local Equipped Area for play (LEAP) of 400m² in size should be incorporated into the layout of the development.

The proposed landscape structure for the main site can be divided into a number of areas. The 'green route' into the site would include a community orchard set either side of the entrance road. The 'triangle' would be a landscaped area with grassed areas and soft landscaping forming a green entrance feature for the main site. The 'central green' would be the main open space area which includes 2 retained oaks and retained hedging. This area would include 2 LEAPs and a NEAP. The 'greensward' is the area around the northern and north western boundary which would vary between 15m and 20m in depth and would be a mixture of native trees and grassed areas. The 'southwest corner open space' would provide cycle/ footway connections into Westergate and also a 'pocket park'. Further 'buffer planting' (between 5-10m) is proposed along the other boundaries of the site to augment existing boundary hedging and screen existing development to the south and the adjacent scrap yard to the east.

The proposal accords with the principles established for the site following the appeal decision. The proposed orchard would provide a focal point for views and screen the car breakers yard to the north of the access road, enhancing the character of the wider area over time. The buffer strip ('greensward') to the west of the site is designed to provide screening where the site adjoins Northfields Lane in order to limit the impact on the character of this part of the Lane as well provide a buffer for adjoining residents, and it is considered to do this. The buffer strip to the north is considered to provide a suitably designed landscaping buffer to mitigate the impact of the proposal on the character of the countryside.

The LEAP, NEAP and pocket parks are well located to be accessed by residents, with the central green providing a large green focal space for the development.

The extra care apartments include a communal amenity area for the residents. The soft landscaping proposals include tree planting, hedges, ornamental shrubs, groundcover and perennials in addition to areas of lawn. Trees are proposed to the south of the extra care buildings along the access road to echo the planting on the southern side of the access road.

Issues have been raised by local residents in relation to the boundary to the north of the site as well as in relation to the pocket park to the south western corner of the site. Amendments have been made to the pocket park to address concerns in relation to proximity to the property 'Jacaranda'. Play equipment has been moved to the western side of the area and additional buffer planting included. It is considered that this addresses the concerns around noise disturbance from the play area and increases privacy for existing residents. In relation to the northern boundary, the concern was that the boundary treatment of hedging and woodland planting would not be sufficient to prevent two way movements (people and animals) between the site and adjacent land. This has been addressed with the provision of stock fencing along this boundary.

A further amendment to the plans has been made to allow access rights to be exercised by an adjacent resident along the boundary with Northfields Lane. The 10m buffer strip has been moved into the site by 4.5m to allow an access track. Whilst this has resulted in a slight narrowing of the buffer strip, this is not significant and is outweighed by the benefit of allowing continued access for the neighbouring landowner to the field to the north of the site.

In relation to existing trees and hedgerows on site, the submitted Tree Protection and Removal Plans show hedges and trees being retained adjacent to the access, along boundary adjacent to Barnett Close,

adjacent to Northfields Lane and in the centre of the site (where the line of trees would form part of the open space area). The TPO evergreen oak in the south western corner would require removal in order for the cycle route to connect with the A29/ Nyton Road to the south. Whilst the loss of this tree is not desirable, a cycle and pedestrian access would allow improved connectivity with the surrounding area for pedestrians and cyclists which is considered bring wider benefits which would override the loss of the tree in accordance with Policy GEN28 of the ALP.

PARKING & HIGHWAY SAFETY:

Paragraphs 32, 34 and 36 of the NPPF consider sustainable modes of travel and advise that planning decisions should ensure that development that generates significant movements is located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. They also advise that sustainable modes of transport are accessible to all and supports the use of Travel Plans. It is also recognised by Section 4 of the NPPF that sustainable modes of travel are closely linked with health benefits. GEN15 of the ALP requires that new development provides safe and attractive facilities for cyclists and pedestrians, both within the site and in the form of links to the surrounding area.

Policy GA1 of the Neighbourhood Plan considers the promotion of sustainable movement and states that development proposals that increase travel demand will be supported where it is demonstrated that walking and cycling routes are improved (through financial contribution); that they are located in places accessible to public and community transport or improves the accessibility of the site to public and community transport by contributing towards the provision of services and that they do not result in the loss of existing public rights of way. GA2 of the ANP supports proposals that improve and extend the existing footpath and cycle path network.

Policy GA3 of the ANP considers parking and new development. It requires that proposals must provide adequate parking in accordance with current standards. Proposals that would result in the loss of parking spaces either on or off street will be resisted.

The development proposes a total of 604 parking spaces, comprising 547 allocate spaces and 57 unallocated/ visitor spaces. 2 and 3 bedroom properties would have 2 allocated spaces and 4 and 5 bed properties would have between 3 and 4 allocated spaces. This would exceed the WSCC Parking Calculator parking provision by 16 extra spaces. The parking strategy includes a mixture of single and double garages, driveways, on street parking and laybys. Garages would meet the recommended size of 6m x 3m (or 6m x 6m if double). The parking provision for the extra care facility would include 24 spaces overall, which accords with the standards for such facilities.

Cycle parking would be provided either in garages, gardens or communal storage area, meeting the required provision of 381 spaces for the houses and flats. The extra care facility would provide an internal cycle/mobility scooter store to meet the needs of residents, staff and visitors.

The internal road layout includes a main spine road 5.5m width with residential cul-de-sacs with shared surfacing at 4.6-4.8m width leading off the spine road. Home Zones would be 7.5m wide to ensure safe access for vehicles and pedestrians. A 3m wide footway/ cycleway is proposed along the southern side of the spine road, which would connect to the south of the site. A 2m footway would be provided to the northern side of the spine road. As set out above, a footway/cycleway connection is proposed onto Nyton Road which would facilitate movements to local schools and facilities by foot and bike from the site. A pedestrian/cycle access is also proposed onto the site in the north from Northfields Lane and from the existing access road. These accesses are in accordance with the plans approved under the outline permission.

Concerns have been raised about the ability of residents of 'Luakela House' to the south west of the site

to access their property as the plans show a pedestrian/cycleway that would block access. A plan attached to the outline shows vehicular access as far as the property, however, this plan was not approved and the Inspector raised concerns about the safety of this access point and imposed a condition restricting any access at the southwest corner of the site. The applicants have been informed of the issue and the proposed solution is to remove the pedestrian and cycle access point adjacent to Luakela House. Revised plans to show this are anticipated and an update will be provided.

The road layout, parking provision and footways/ cycleways therefore accord with Policies GEN15, GEN12 and GEN7 of the ALP and PoliciesGA1, GA2 and GA3 of the ANP.

OTHER MATTERS:

FOUL DRAINAGE

Policy GEN9 of the ALP and Policy EH5 of the ANP requires that the LPA is satisfied that foul drainage capacity exists or can be provided as part of the development. Condition 22 of the outline permission (AL/61/13) ensures that details of the proposed foul drainage system are submitted and approved by the LPA and that no dwelling shall be occupied until the works have been implemented. The outline application included a proposal for an on-site treatment plant to demonstrate that a solution would be possible in the event that connection to the mains drainage was not possible (as Southern Water indicated that there were sewer problems related to ground water and surface water ingress). The current application proposes connecting to the mains drainage.

Local concerns over foul drainage have been raised, citing that the Lidsey Treatment Works are at capacity. Southern Water's initial response states that they are not able to accommodate the needs of the development without the development providing additional local infrastructure and that 'at present the Lidsey catchment is under hydraulic issue, preventing the connection of any additional foul flow into the network'. The applicants have been in negotiation with Southern Water over the detailed design of improvements to the foul network and investigations have been carried out to check capacity. Southern Water have now confirmed that the foul sewerage from the proposed development can be discharged to the public foul network on completion of the proposed sewerage network works (proposed under S98). Before the works are implemented in full a temporary system is proposed which would limit the discharge pumped to the public sewer, combined with tinkering the excess from the site (from the pumping station close to the access).

An additional foul water statement has been provided by the applicant setting out the likely impacts of the temporary tankering solution. It is anticipated that the tankering would be for a period of 18 months from commencement of construction works, with 1 tanker a week initially and a maximum of approximately 1 a day. As the pumping station is located at the site access and allows for an HGV to park off the road, it is not considered that this would result in any adverse amenity impacts for existing or future residents.

Therefore, based on the information supplied by the applicant and by Southern Water, it is considered that appropriate drainage capacity can be provided as part of the development in accordance with Policy GEN9 of the ALP subject to the full details of the drainage system being submitted and approved through the discharge of condition process and this will be done in consultation with Southern Water to ensure that the details meet their requirements.

SURFACE WATER DRAINAGE:

Policy GEN9 of the ALP requires that adequate surface water drainage capacity can be provided as part of new development and requires SuDs to be considered. EH5 of the ANP also requires that there is appropriate provision for accommodating surface water from the development. Local concerns have

been raised about the lack of information provided with the application on drainage. The outline permission was accompanied by a Flood Risk Assessment and the Inspector was satisfied that the proposed development would not be at risk of flooding and imposed drainage conditions which prevent development commencing until full details of the surface water drainage scheme have been submitted and approved. The ADC drainage engineers have confirmed that the principle of the drainage design is acceptable subject to further winter groundwater monitoring being undertaken and that a solution can be engineered but that the final form is not detailed at this stage. The issue is whether approving the layout would prejudice the drainage scheme from being successful. It is considered that there is sufficient space within the site to accommodate additional drainage structures either within the open space areas or within the estate roads, without resulting in amendments to the overall layout. Therefore, it is considered that the site can provide adequate surface water drainage capacity in accordance with Policy GEN9 of the ALP and EH5 of the ANP, subject to detailed design being submitted and approved through the discharge of condition process.

BIODIVERSITY:

Policy GEN20 of the ALP features of nature conservation interest to be incorporated into schemes and Policy EH6 of the ANP includes requirements to incorporate biodiversity within and around developments and enhancing ecological networks. Policy ENV DM5 of the modified eALP requires details of measures to avoid loss of the species.

An updated Phase 1 Habitat Survey was submitted with the application. The documents include a Dormouse Mitigation Strategy as the presence of Dormice on adjacent land was established and Dormice are a protected species. As the development of the site is likely to result in adverse impact on Dormice a full mitigation strategy is proposed. This includes removal of vegetation works to be supervised by a suitably licenced ecologist (SLE) and at the appropriate times of year. Short term disturbance would be mitigated with fencing retained trees and planting compensatory hedgerow areas with Bramble to lessen cat predation and disturbance from residents. External lighting should be low level bollard lighting where used along the hedgerow. New hedgerow planting along the site boundaries would provide compensatory habitat.

A Bat Survey and Mitigation Strategy is also included with the proposals and this identified the presence of a bat roost within the bungalow to the north of Nyton Lane. Measures to mitigate the impacts are set out, including supervision of works by an SLE and timing of works to avoid impacts. The strategy includes compensation through provision of 2 bat boxes to be located on retained trees within the site.

Condition 15 of the outline permission requires a Construction Environmental Management Plan to set out how construction of the scheme will mitigate the impacts on local ecology. Condition 17 also requires an Ecological Enhancement Scheme to be submitted. These documents have been submitted under a separate discharge of condition application (ref: AL/119/17/DOC) and comments on the documents have been provided by the Ecology Officer stating that the documents are satisfactory.

Local residents and the Parish Council have raised concerns about the lost of habitat and stated that there is a lack of information on bat habitat. It is considered that the mitigation measures combined with the proposed ecological enhancements are likely to result in a beneficial effect on biodiversity overall. Concerns have also been raised about the presence of Japanese Knotweed on the site. A Japanese Knotweed Survey and Management Plan has been submitted as part of the discharge of condition application referred to above, in order to meet the requirements of condition 14 of the outline permission and this will be considered separately.

Overall, the proposal would mitigate and enhance the biodiversity of the site in accordance with Policy GEN20 of the ALP, EH6 of the ANP and Policy ENV DM5 of the modified eALP.

AMENITY:

Policy GEN7 of the ALP seeks to ensure that there are no unacceptable adverse impacts on adjoining occupiers, land, uses or property.

The amenity concerns raised in relation to 'Jacaranda' are addressed above through the re-aligned play area and increased landscape buffer for the property.

In relation to overlooking of 'The Haven' on Northfields Lane, the rear wall of the nearest new property would be over 55m from the rear of The Haven, with 25m from the wall of the new property to the boundary with The Haven (including the woodland buffer mix planting). The properties proposed on the boundary adjacent to Barnett Close all have 10m gardens combined with the 4m landscape buffer. The closest property in Barnett Close would be side on to the new properties with 18m wall to wall. It's considered that the layout would not result in any undue harm upon adjoining occupiers in accordance with Policy GEN7.

LIGHT AND NOISE POLLUTION:

Policy GEN33 of the ALP aims to minimise impacts from lighting and Policy EH10 of the ANP seeks to restrict new lighting to the highest standards of light pollution restrictions in force at the time to support the 'Unlit village status'.

Concerns have been raised by the Parish about the lack of information on lighting in relation to how it would meet the 'unlit village status' policy. The outline permission included a condition (16) which requires the submission of a lighting scheme which takes into account the ecological mitigation. When this is submitted the details will be considered in accordance with the relevant policies in the development plan, as well as considering any impact on the resident on Northfields Lane who has raised concerns about light levels.

Concerns were also raised about the proximity of the cycle and pedestrian access to the 'Jacaranda' property boundary leading to noise disturbance. As the access is only proposed for pedestrians and cyclists the possibility for continuous and unacceptable noise nuisance would be unlikely.

INFRASTRUCTURE and S106

The outline application was accompanied by a S106 agreement which provided on site affordable housing and public open space and contributions (index linked) to the following:

Swimming pools £93,283

Sports halls £122,260

Artificial sports pitches £16,946

NHS to be used for provision of healthcare facilities and services in the District of Arun including an extension to Croft GP Surgery in Eastergate £116,727

Public art £15,000

MUGA at Aldingbourne Community Sports centre £60,000

MUGA maintenance £8,000 for 16 years upkeep

Library services in Arun £51,216

Education £554,654

Controlled crossing on A29 £100,000

Fire service £5,647

Barnham to Eastergate Cycleway / pedestrian link £250,000

Community bus service (between development and Barnham station) funding for 3 years £50,000

Public transport £50,000

Highway works (new site access and associated works to widen the footpath southwards to Memorial junction, widening of footway on northern side of A29 road and conversion to a shared surface pedestrian and cycle route from the pedestrian/cycle access adjacent to Appogee House to the proposed controlled crossing point adjacent to Limes Avenue)

The applicants are have indicated that they wish to amend the S106 as follows:

Amend the definition of affordable housing to delete reference to affordable rent from the 20 dwelling units for affordable housing on the main site (so they would just be for intermediate housing, rather than a mix).

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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

100 Site Location plan

101 Site Layout plan - Rev C

102 External materials and boundary treatments plan - Rev C

103 Surface materials plan - Rev B

104 Refuse management plan - Rev B

105 Affordable tenure plan - Rev B

106 Garden areas plan - Rev B
Design and Access Statement (August 2017)

115 PT22 (EDALE) (Plans and elevations)
116 PA30 (DADFORD) pair (Plans and elevations)
117 PA30 (DADFORD) triple (Plans)
118 PA30 (DADFORD) triple (Elevations)
119 PT36 (EASEDALE) (Plans and elevations)
120 PT36 (EASEDALE) (Plans and elevations)
121 PT37 (YEWDAL) (Plans and elevations)
122PT37 (YEWDAL) (Plans and elevations)
123 NA31 (BIRCHFORD) (Plans and elevations)
124 NA31 (BIRCHFORD) pair (Plans and elevations)
125 NA31 (BIRCHFORD) triple (Plans)
126 NA31 (BIRCHFORD) triple (Elevations)
127 PB33-G (CROFTON-G) pair (Plans)
128 PB33-G (CROFTON-G) pair (Elevations)
129 PB33-G (CROFTON-G) triple (Plans)
130 PB33-G (CROFTON-G) triple (Elevations)
131 PA44 (MIDFORD) (Plans and elevations)
132 PA44 (MIDFORD) (Plans)
133 PA44 (MIDFORD) (Elevations)
134 PT41 (ESKDALE) (Plans and elevations)
135 PT41 (ESKDALE) (Plans and elevations)
136 PT41 (ESKDALE) (Plans and elevations)
137 PT41 (ESKDALE) (Plans and elevations)
138 PT42 (KENTDALE) (Plans and elevations)
139 PT42 (KENTDALE) (Plans and elevations)
140 PT42 (KENTDALE) (Plans and elevations)
141 PA48 (SHELFORD) (Plans and elevations)
142 PA48 (SHELFORD) (Plans and elevations)
143 PT43 (LANGDALE) (Plans)
144 PT43 (LANGDALE) (Elevations)
145 PT43 (LANGDALE) (Elevations)
146 PT43 (LANGDALE) (Elevations)
147 PA49 (THORNFORD) (Plans and elevations)
148 PA49 (THORNFORD) (Plans and elevations)
149 PA49 (THORNFORD) (Plans and elevations)
150 NA47 (STANDFORD) (Plans)
151 NA47 (STANDFORD) (Elevations)
152 NA47 (STANDFORD) (Elevations)
153 NB50 (FELTON) (Plans)
154 NB50 (FELTON) (Elevations)
155 NB50 (FELTON) (Elevations)
156 PB33-G (CROFTON-G) pair (Plans)
157 PB33-G (CROFTON-G) pair (Elevations)
Road and Plot levels plan 5655:PO2 Rev A
Longitudinal sections 5655:P10 RevA

Affordable housing
170 NA30 (Benford) Plans and Elevations
171 AF2 Flats (Plans)

172 AF2 Flats (Plans and elevations)
 173 AF2 Flats (elevations)
 Garages
 200 Single garage
 201 Double garage (double property)
 202 Double garage (sole ownership)
 203 Substation
 204 Bins and bikes

Extra care
 SE, NE and Courtyard Elevations 1139 PD 301
 Ground floor plan 1139 PD200
 Roof plan 1139 PD 102
 Second floor plan 1139 PD202
 N, W and S Elevations 1139 PD320
 Extra care materials schedule
 Ancillary details 1139 PD303

Soft Landscaping Plans Sheets 1-4 (501 Rev G, 502 Rev E, 503 Rev G and 504 Rev D)
 Hard Landscaping Plan (201) JSL2869 Rev G
 Landscape Management Plan JSL289_570 Rev F
 Tree and Shrub Palette JSL2869 Rev D
 Play strategy southern LEAP JSL2869 102 Rev C
 Play strategy central public open space JSL2869 101 Rev C

Dormouse Mitigation Strategy (Sept 2017)
 Bat Surveys Statement (Aug 2017)

Full Travel Plan (August 2017)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 2 Prior to commencement of development a Bin Collection Strategy Plan shall be submitted to and approved by the Local Planning Authority. The dwellings to which the Bin Collection Points relate shall not be occupied until the bin collection points for these dwellings have been provided in accordance with the details so approved.

Reason: To ensure that adequate and satisfactory provision is made for the storage and collection of bins in accordance with GEN7 of the Arun District Local Plan.

- 3 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 4 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 5 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats

etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 6 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.