

REPORT UPDATE

Application No: AL/113/21/OUT

Reason for the Update / Changes

Reason for Update/Changes:

Aldingbourne Parish Council have submitted a further objection which is provided in full on the Councils website. In summary, Aldingbourne request that Arun review the ecological advice received as they consider that more survey work is needed for both reptiles and bats along with reviewing the Habitats Assessment and seeking further comments from Natural England (NE). They state that the impact on bats has not been adequately assessed and concerns are also raised in respect of the reptile surveys. Aldingbourne say that otherwise NE and ADC would be failing in their duty to the Conservation of Habitats and Species Regulations 2017 (as amended).

ADC have been provided with advice on the application by its retained ecology advisers and no concerns have been raised. Furthermore, NE have agreed the Councils appropriate assessment.

The applicant has reviewed the committee report and requests certain changes which are set out below with officer comments:

(a) Do not agree to the inclusion of First Homes in the s106 proposal. State that the government advice is that First Homes do not need to be imposed on applications determined before March 2022 and that this had not previously been raised.

Government advice is that First Homes are not required for planning applications where there has been significant pre-application engagement and the application is determined before 28 March 2022. Whilst there has been a pre-application enquiry and the application is likely to be determined by the 28 March 2022, there has not been any substantive discussion on the affordable housing mix with this limited to comments provided at pre-application by the Councils Affordable Housing Manager. The applicant states in the planning statement that "Full details (of the affordable housing mix) will be provided at reserved matters stage." Furthermore, the drafting of the s106 has not yet been started.

The Planning Practice Guidance states that "For the purposes of the First Homes policy, significant pre-application engagement means any substantive discussions between the local planning authority and the applicant relating to the proposed quantity or tenure mix of the affordable housing contribution associated with that application." (Paragraph: 021 Reference ID: 70-021-20210524)

(b) Request a change to condition 3 to include the Proposed Site Layout Plan 29662C_100 Rev H and the Land Use Parameter Plan 29662C_130 Rev E.

As layout is not being considered, it is not appropriate to include the illustrative layout plan however the condition is amended with the inclusion of the parameter plan.

(c) Request a change to condition 6 to allow works to brush piles, compost or debris piles outside of the specified period where they are first assessed by an ecologist.

This has been accepted as there would be no harm if the features were checked prior to removal. Therefore, the condition has been amended.

(d) Request consideration of altering the construction hours set by condition 7

These hours have been requested by Environmental Health and are the standard applied across the district so the condition will not be changed. However, the condition as currently worded allows for works to take place during dark periods outside of bat hibernation times and in light of the advice received from NE on AL/20/21/PL, it is proposed to amend the condition to remove "between March and October (when bats are generally active)" so as to make the condition the same as that on AL/20/21/PL.

(e) Request that additional information on Electric Vehicle Charging Standards is inserted into part (1) of condition 11.

This has been accepted and the condition amended.

(f) Request a change to the trigger in condition 12 to allow details of temporary show homes or sales areas to be agreed at a later date.

This has been accepted and the condition amended so as to require such details prior to damp proof course (DPC) level.

(g) Request a change to condition 13 to correct the ANDP policy ref (H2 not H4), to make clear that the lifetime home standards has been superseded by Building Regulations standards and to make clear what the ANDP requirement is.

This has been accepted and the condition amended.

(h) Request a change to condition 20 to amend the trigger for confirming fire hydrants as such details will not be known at pre-commencement stage.

This has been accepted and the condition changed to require such details prior to damp proof course (DPC) level.

Officers Comment:

The changes to the conditions are shown on the attached amended recommendation sheet.

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

Recommendation Report for Outline Consent

REF NO: AL/113/21/OUT

LOCATION: Land at Bayards
Level Mare Lane
Eastergate
PO203RZ

PROPOSAL: Outline application with all matters reserved, apart from access, for up to 69 No dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Although layout is a reserved matter, an indicative layout has been provided which shows areas of new homes and open space to the northern, eastern, part south western and the western corner (the latter shows areas of play). The plans indicate existing boundary trees are to be retained with the exception of those removed to create the access on the eastern side. The plan indicates a pedestrian access point to Level Mare Lane. There would be no boundary treatment on the eastern edge (save for existing planting) meaning people can potentially cross between the two sites other than by the new road access.

The application proposes a main access taken from the adjoining site which benefits from an approved new access point onto Fontwell Avenue. There are no changes proposed to the approved access. The connection to the approved road would have a bellmouth arrangement and be 5m wide (tapering back to 4.8m) with a kerb radii of 6m. This will be accompanied by a 1.2m wide footway at the connection point and this is consistent with the footway widths provided in the approved scheme. There will be a new secondary access to Level Mare Lane to serve no more than 6 homes in that part of the site. This will be 4.5m wide with a dropped kerb arrangement. The field gate access on Level Mare Lane would then be stopped up.

It is proposed to make improvements to the bus stop on the western side of Fontwell Avenue. This will comprise of additional hardstanding (2m by 7m) with concrete/wooden edging and a tactile paved crossing point to the other side of the road.

SITE AREA

2.53 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

27.3 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

There are trees to all site boundaries but particularly to the northern, eastern and south western areas. The proposal suggests the only tree loss will occur on the eastern boundary where the new access punches through and these are a Sweet Chestnut and a group of Ash, Sycamore, Cypress & Hawthorn. It will be necessary to remove a 190m long section of hawthorn hedge in the site (towards the western corner) but not the category B Pine tree which is in this hedge. TPO/AL/3/21 protects several trees in and to the boundaries of the site.

BOUNDARY TREATMENT

Mix of open boundaries, hedging, post and rail fencing (1.2m

high) and close boarded timber fencing (1.8m).

SITE CHARACTERISTICS

The site comprises grade 2 agricultural pasture land used for grazing in association with a private equestrian use at Bayards. The site has an unmade vehicle access from Level Mare Lane on the north boundary and further access from Bayards.

CHARACTER OF LOCALITY

Rural character with relatively few neighbouring residential properties. The area is not densely populated and is largely characterised by open agricultural land and fallow fields, some in equine use plus Fontwell Park racecourse to the north. The nearest dwellings are 1 Northfield Cottages to the southeast corner, Bayards to the north west corner and a collection of dwellings at Northfields Farm to the south west corner. The site excludes the all-weather riding surface at Bayards.

RELEVANT SITE HISTORY

AL/100/21/ESO	Screening opinion for 75 Dwellings	ES Not Required 11-08-21
BN/50/20/PL	Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.	App Cond with S106 11-12-20

AL/200/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in August 2021 that an EIA would not be required. Prior to this, pre-application advice was given in May 2021 for a scheme of around 70 dwellings with access from Fontwell Avenue via the adjacent site. This advice concluded that:

"At the present time this proposal would be in conflict with development plan policies relating to development in the countryside and loss of agricultural land. Subject to the proposal being considered as sustainable development it is likely that the benefits of the proposal would outweigh any harm and as such, the proposal may be capable of support."

The site to the east received permission in December 2020 for 42 dwellings under BN/50/20/PL and this permission has been commenced.

REPRESENTATIONS

Aldingbourne Parish Council provided a 5 page objection. Their main points are that:

- Objectors had limited time to respond as the application was advertised as being in Eastergate;
- Countryside development in conflict with the Development Plan;
- As the Housing Land Supply (HLS) exceeds 3 years, the Aldingbourne Neighbourhood Development Plan (ANDP) has full weight in the determination of new housing applications;
- The ANDP has accommodated a substantial increase in its housing allocation therefore weight should

still be given to the plan's housing policies;

- This site is listed as developable not deliverable in the Councils Housing and Economic Land Availability Assessment (HELAA) and so may not be available in the short term;
- Harm to landscape & character as this site is more closely related to open countryside than the approved site next door;
- Concerns with the nature and extent of ecological survey work relating to bats and reptiles;
- Therefore, not possible to demonstrate biodiversity net gain;
- The applicant has not engaged with the Aldingbourne, Barnham and Eastergate Community Land Trust (ABE CLT) regarding the affordable housing provision; and
- The proposal does not propose allotments and does not gain support from ANDP policy LC4.

Barnham & Eastergate Parish Council objected. The following is a summary of their detailed concerns:

- Countryside development in conflict with the Development Plan;
- Harm to the Site of Nature Conservation Interest (SNCI) at Fontwell Racecourse;
- Significant & unacceptable impact on the traffic levels already using Fontwell Avenue;
- The HLS is sufficient to give full weight to the ANDP;
- Loss of hedges;
- Need improved connections to Barnham and Eastergate;
- More survey work is needed for both reptiles and bats;
- The service level agreement with Chichester District Council to provide ecological advice is not adequate and should not be relied upon;

39 objections including from the local MP and one from the ABE CLT raising the following concerns:

- Countryside development;
- Conflict with the ANDP which has full weight;
- The Neighbourhood Plan proposes Level Mare Lane as a quiet lane;
- Conflict with ANDP Conservation Area policy;
- Impact on nearby SNCI;
- Concerns with the adequacy of ecological survey work and harm to bats;
- Traffic impact and safety inc from construction traffic on Level Mare Lane;
- Traffic impact to the A27 Fontwell and the A29 War Memorial roundabouts;
- Safety issues from increase in vehicles entering the A27 at Level Mare Lane junction;
- The access onto Fontwell Avenue was only assessed for 42 dwellings (not 105);
- Access should only be from Fontwell Avenue;
- The Traffic study needs to be revisited;
- Need for a controlled crossing point on Fontwell Avenue;
- Level Mare Access is at a different location to the existing;
- Highways England (National Highways) previously expressed concern about capacity of local highways to cope with increased housing;
- The accessibility of the proposals relies on the A29 realignment scheme;
- Local bus services are inadequate;
- Air pollution from increase in car traffic;
- Inadequate local school and medical facilities;
- Level Mare Lane has no mains gas, sewage, streetlights or fibre broadband;
- Significant visual impact;
- Density is out of character with quiet rural environment;
- Erosion of visual gap between Aldingbourne and Barnham settlements;
- Proposed tree screening on Level Mare Lane will take time to grow;
- Increased surface water flooding on Level Mare Lane;
- Application was falsely advertised as being in Eastergate;

- Access change to Level Mare Lane was not publicised in the community consultation material;
- Loss of agricultural land;
- The houses should be fully sustainable and of net zero carbon construction;
- Where are the jobs for new residents;
- Impact on existing house prices;
- Will set a precedent for further development of land and gardens on Level Mare Lane; and
- Affordable housing must be delivered for local people first.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of both Parish Councils and the objectors are noted and the majority of the objections raised are considered in the conclusions section with the exception of the following points:

- The application was not advertised by the Council as being in Eastergate or having access only onto Fontwell Avenue, this was on the applicant's pre-application community consultation material and there is no requirement in planning law or policy to carry this out;
- The concerns regarding the adequacy of the ecological survey work are noted but no objection has been raised to these by either the Councils ecologist or Natural England;
- The Local Planning Authority (LPA) has a service arrangement with Chichester DC Ecology to provide professional ecology advice.
- Should permission be granted it will be necessary to prepare a s106 legal agreement to secure the affordable housing and the involvement of the ABE CLT will be sought at that time. The applicants confirmed they have spoken with the CLT about their involvement;
- The provision of allotments is not requirement of the ANDP, their omission just means that the proposal does not achieve support from ANDP policy LC4;
- Quiet Lanes seek to control traffic speeds and make roads more attractive for non-car modes of transport however they are not a policy designation and would not prevent development taking access from them;
- The site does not lie in a Conservation Area. The postamble to ANDP policy EH9 (Conservation Areas) states views to and from historic lanes used for recreational purposes (including Level Mare Lane) towards the Rifes, woodlands and copses are important to residents and the historical context of the Parish. This is not a part of the actual policy wording;
- The impacts of construction traffic on Level Mare Lane will be temporary and managed by the LPA;
- WSCC Highways have not requested that the traffic assessment needs to be revised and have not stated that the approved Fontwell Avenue access is not suitable for the increase in dwellings;
- Notwithstanding the implications of construction vehicles, the access to Level Mare Lane is for 6 dwellings;
- WSCC Highways do not consider it necessary to provide a controlled crossing point on Fontwell Avenue;
- Regardless of any previous statements by National Highways, it is material that they raise no objections provided that a contribution is paid towards the improvement of the Fontwell roundabout junction (this will be secured by a s106 legal agreement);
- It is not a planning requirement for homes to have access to mains gas. Conditions will be imposed to control new lighting proposals and to ensure the homes are provided with superfast broadband;
- The site does not lie with a designated strategic gap and although this development will mean development on both sides of the Parish boundary, there is no coalescence of existing settlements;
- Climate change and building sustainability is considered in this report however current policy does not require net zero carbon construction;
- All applications are assessed on their own merits on a case-by-case basis and as such, any permission here will not automatically result in new developments along Level Mare Lane; and
- The availability of jobs for residents and the impact on house prices are not material planning considerations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection provided the development secures a contribution of £11,316 towards junction modification of the A27 Fontwell Avenue Roundabout. The impact of traffic on the operation of the Strategic Road Network (SRN), will add to the cumulative impacts of planned development at junctions which suffer from severe traffic congestion in peak periods however, the additional impacts can be mitigated by appropriate minor modifications to the agreed A27 improvements. Should this not be secured the application would need to be referred to the Secretary of State for Transport.

NATURAL ENGLAND - state no comments.

SOUTHERN WATER - no objection subject to a condition to phase occupation of the site to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. Request an informative to secure a connection to the sewer system.

PORTSMOUTH WATER - no objection provided all requested conditions (surface water drainage, foul drainage, contamination, construction management & no piled foundations) are imposed. Comment:

- The site lies 150m south of a potable abstraction owned by Portsmouth Water and is located within the Source Protection Zone 1c (SPZ1c) for this Public Water Supply Source;
- Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source; and
- All measures to prevent pollution during and post construction are required in order to safeguard the local public water supply.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

SUSSEX GARDENS TRUST - no objection as will not affect the significance of Denmans Garden but the peaceful nature of the Garden may be affected should traffic increase on Level Mare Lane

WSCC LEAD LOCAL FLOOD AUTHORITY - no objection and state that:

- Current surface water mapping shows the site is at low risk from surface water flooding although the adjacent carriageway is shown to be at higher risk;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- No ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the site.

WSCC FIRE & RESCUE - no objection subject to conditions to secure a new fire hydrant.

WSCC HIGHWAYS - raise no objections subject to conditions to secure the accesses, visibility splays and a Construction Management Plan (CMP). Comments as follows:

- there have been a few recorded injury accidents on the local road network within 300m of the site but no incidents were recorded on the site frontage and no incidents were related to a defect with the

junction/ road layout;

- a RSA for the site has been provided and includes the access to Level Mare Lane and into the BN/50/20/PL site. This identifies two problems. The first concerns vegetation on Level Mare Lane affecting visibility and can be resolved as the land is in the applicants control. The second concerns the speed limit on Fontwell Avenue but WSCC advise the BN/50/20/PL access was designed in accordance with 85th percentile speeds so it is not necessary to alter the speed limit;
- no concerns with access to Level Mare Lane by 6 dwellings or the 2m by 120m visibility splays;
- TRICs trip rates from the approved development have been used to estimate an additional 37 vehicle movements in AM and 35 in PM peak hours with an additional 329 trips over the 12-hour day. The two phases combined could see 60 trips in the AM and 56 trips in the PM peak hours with 529 trips over the 12-hour day. These increases are not anticipated to result in a road network capacity issue;
- considering the level of trips anticipated to travel to/from south (14 in peak hours) and the reduction that may occur if/once the A29 realignment phase 1 is built out, there is no requirement for modelling of the impact on the Eastergate Square Roundabout to the south;
- the site access and Fontwell Roundabout to the north have been modelled and the increase in capacity terms on the WSCC maintained arms of the roundabout are considered negligible;
- no concerns with site sustainability but require improvements to the northbound bus stop. The Council should also look to secure a fee of £1500 for monitoring and auditing of the Travel Plan Statement (TPS) via a s106 Agreement. The TPS proposes travel vouchers for first occupiers, the promotion of walking & cycling routes, provision of bus timetable info, the promotion of car sharing and a dedicated website for residents;
- a RSA for the bus stop improvement works has been provided and identifies a problem concerning vegetation interfering with visibility splays but this can be resolved by trimming the vegetation back;
- the bus stop improvement works should be secured by s106;
- the final CMP should include full swept path tracking within the site to ensure all construction vehicles can turn on site;
- the applicant has offered to rectify any damage caused to Level Mare Lane as a result of construction and this will be resolved through a s59 Highways agreement; and
- have aspirations for pedestrian/cycle improvements on the A29 related to an increase in potential use as part of the BEW development. At this stage there are no feasibility designs, no costing figures and it is not possible to use TAD to calculate this due to CIL limitations. Therefore, asked the applicant to suggest an amount considered to be appropriate & proportionate. It is not yet known whether a facility on Fontwell Avenue will be deliverable and the contribution should be flexible so this can be used on pedestrian/cycle facilities in Fontwell and Eastergate.

WSCC MINERALS & WASTE - no objection with the following comments:

- The site is in an identified safeguarding area for Sharp Sand and Gravel and mineral sterilisation will occur;
- The Mineral Resource Assessment (MRA) concludes that prior extraction would not be economically viable due to the significant treatment any sharp sand and gravel would require if extracted, the environmental constraints at the site, the limited demand for the resource and the potential delay that prior extraction would cause to the delivery of housing;
- The applicant has not demonstrated a potential value or quantity of the resource at the site, nor demonstrated a discussion with local operators;
- However, agree with the findings of the MRA and note the site is constrained by its semi-rural nature, proximity to existing residential properties and potential for harm from mineral extraction to ecology, utilities & the water environment;
- ADC need to be satisfied there is an overriding need for the non-mineral development that outweighs the safeguarded resource as per Policy M9 (b) (iii) of the Joint Minerals Local Plan (2018);
- The developer should be encouraged to use minerals found during groundworks; and
- The site is in 350m of a safeguarded scrap vehicle waste site. Do not consider the development would

impact this but ADC should be satisfied the development would not prevent or prejudice the operation of this waste infrastructure as per Policy W2 of the West Sussex Waste Local Plan (2014).

ADC DRAINAGE ENGINEERS - no objection with standard conditions and comment that:

- The surface water drainage strategy identifies it is proposed to use infiltration. As per BN/50/20/PL a specialist geotechnical report will be required to identify the risk of solution features and the required easements of soakaways from highways and buildings;
- As the site lies in a source protection zone, infiltration to ground may not be possible and any discharge will need to be treated first.

ADC ENVIRONMENTAL HEALTH - no objection subject to consideration of air quality and conditions re dust from construction, electric vehicle charging, contaminated land, construction management, noise from electric substations, protection of early occupiers from construction noise and construction hours.

ADC TREE OFFICER - no objection. Sympathetic and high-quality development is achievable without undue detriment to retained on and off-site trees. Whilst the illustrative layout is far from sympathetic, there is plenty of time for the design to evolve. Does not see any obvious problem with the access linking the two sites and notes an area has been cleared in the tree line to facilitate this construction.

ADC LANDSCAPE OFFICER - no objection subject to a landscape scheme and provision of on-site play/open space. Trees have been considered and respected in the development proposals; and that allotment provision is not required.

ADC CONSERVATION OFFICER - the proposal will not result in harm to the setting of nearby heritage assets and should be determined in accordance with relevant development plan policies. Full comments on the Councils website but these are the pertinent points:

- There are some heritage assets in the area including a Listed Building (650m from the site), a Registered Park & Garden (580m) and a Building of Special Character (125m);
- Denmans Gardens are best experienced from in their boundaries, the Gardens are a significant distance from the site and there is no evidence of any functional ownership link between the Gardens and the site;
- As such there will not be any harm to the setting of the Gardens;
- The nearby Building of Special Character (Northfields Farm) is physically separated from the site by the boundary treatment and so there will be no harm to it; and
- Any increase in vehicle movements along Level Mare Lane may give rise to indirect impacts but it is assumed that majority of vehicles will use the A29.

ADC AFFORDABLE HOUSING - no objection subject a s106 legal agreement to secure 21 affordable dwellings comprising 16 rented and 5 intermediate with the mix to be according to the Councils Strategic Housing Market Assessment (SHMA).

COUNCILS ECOLOGIST - no objection subject to conditions to secure landscape enhancements, site management to prevent reptile habitat from developing, a precautionary approach to site clearance, provision of bird boxes on the new houses, provision of bat bricks/tiles, hedgehog nesting boxes, removal of hedgehog habitat outside of the hibernation period, careful removal of trees outside the bird nesting season, details of how habitats will be managed during & after construction and gaps placed in new boundary treatments. The application should be subject to HRA Screening Assessment / Appropriate Assessment.

COUNCILS ARCHAEOLOGIST - no objection subject to a condition to secure an archaeological

investigation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

NATURAL ENGLAND - given the location of the site within 12km of the Singleton & Cocking Tunnels SAC, an Appropriate Assessment was prepared and issued to Natural England for review. They responded on 25/11/21 to state that without appropriate mitigation, the application would have an adverse effect on the integrity of Singleton and Cocking Tunnels Special Area of Conservation (SAC). They state that to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required to be secured by condition:

- The Construction Environmental Management Plan (CEMP) should detail how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SAC bat features.
- Construction/demolition works are to avoid working in hours of darkness.
- Enhancement of boundary habitats of the site, as well as hedgerow enhancement measures are to compensate against loss of foraging and commuting habitat across the site, including the gap in hedgerow to be created in the Shaw. Full details on how habitats will be enhanced should be included within a Landscape and Management Plan (LEMP).
- Two native trees are to be planted to compensate for every tree lost.
- Future development lighting proposal to be designed in accordance with the BCT/ILP Guidance Note 08.18, and to avoid lighting along the wooded Shaw and other light sensitive boundary habitats.

WSCC HIGHWAYS - Neither the proposed contribution for pedestrian/cycle improvements nor the bus stop improvement works are within the application red edge and so cannot be secured by s106 due to CIL restrictions. Further, WSCC Highways are not even sure that the pedestrian/cycle improvements will take place on Fontwell Avenue. As such, these must instead be delivered through CIL. However, a condition is included to require the developer to enter into a s278 agreement for the bus stop improvement works and to prevent occupation of the dwellings until this is complete.

ADC ENVIRONMENTAL HEALTH - as no electricity substations are proposed, a condition would not be reasonable and this could be imposed at reserved matters stage instead. It is not appropriate to require a dust assessment as it is covered by the CMP condition and there are few nearby dwellings.

COUNCILS ECOLOGIST - it is not appropriate to impose a condition to protect birds nests as this is covered by separate legislation and would fail to meet the 6 tests as per para 55 of the NPPF.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);
 WSCC Mineral Consultation Area (Sharp Sand & Gravel);
 WSCC Waste Consultation Zone;
 CIL Zone 3;
 Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
 Tree Preservation Order ref TPO/AL/3/21;
 Current & Future Flood Zone 1;
 Water Source Protection Zone; and
 Grade 2 Agricultural Land.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Joint Minerals Local Plan 2018:

Joint West Sussex M9 Safeguarding Minerals

West Sussex Waste Local Plan 2014:

West Sussex W2 Safeguarding Waste Management Sites

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1

Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH3

Development of agricultural land

Aldingbourne Neighbourhood Plan 2019-31 Policy EH5

Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy EE8	Communications infrastructure
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy EH12	Protection of bat habitats
Aldingbourne Neighbourhood Plan 2019-31 Policy H2	Housing Mix
Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H4	Affordable Housing

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The revised Aldingbourne Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to in this report.

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 conflicts with the relevant development plan policies in that it would result in development outside of the defined settlement boundary and will result in a loss of grade 2 agricultural land.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are discussed in the conclusions section below.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP) and the West Sussex Waste and Minerals Plans.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the ALP and the ANDP should be resolved in favour of the latter.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply.

The Council has published its Authority Monitoring Report (AMR) for 2020/21 and this will be presented at the Planning Policy Committee on 25/01/22. This shows that the Housing Land Supply (HLS) has decreased from the previous 3.3 year figure to 2.4 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including the very recent appeal concerning Land South of Barnham Station (BN/142/20/OUT) which was issued on 05/01/22 and which stated that the HLS is approximately 2.63 years.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP has recently been made (14/07/21) and does have greater weight but due to the HLS being below 3 years does not benefit from the weight given to recently made plans from para 14 of the NPPF and so the presumption in favour of sustainable development would be unaffected by the Neighbourhood Plan.

Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare such a document and instead the Local Plan is to be

subject to a formal review. The ANDP has been reviewed and has allocated additional land for housing.

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2.

Aldingbourne Neighbourhood Development Plan:

The ANDP was made on 14/07/21 and shows the site outside the BUAB. Policy EH1 recognises the need to provide more housing to meet the current housing land shortfall as defined by the ALP and so provides an opportunity for development outside the BUAB provided it meets various criteria, being:

- (i) the scale of development is proportionate to the housing supply shortfall and local housing needs of the Parish and can be deliverable in the short term;
- (ii) the development will protect the local landscape character and wider setting of the South Downs National Park and support the dark skies policy;
- (iii) the proposal is sensitively designed and located and respects the character and built heritage of neighbouring settlements;
- (iv) it is demonstrated through appropriate assessment that there would be no significant harm to biodiversity, including the roosting, feeding and commuting of bat species, or to bat species associated with the Singleton and Cocking Tunnels Special Area of Conservation (SAC) and Slindon Woods;
- (v) the proposal is sustainably located and accessible to local facilities and services and sufficient capacity exists or can be provided to accommodate additional needs;
- (vi) there would be no unacceptable environmental, amenity or traffic implications including an increased risk of groundwater flooding; and
- (vii) the development does not lie within 50m of the biodiversity corridors where these are used by roosting or feeding or commuting bats.

Policy GA1 is relevant but has the same requirements as part (v) above. The following is an analysis of the EH1 criteria:

- (i) The proposal will contribute 6.9% (according to the applicant) towards the annual housing requirements and so is clearly proportionate to the housing supply shortfall defined by the ALP. It is unclear from the submission how this proposal will meet the specific needs of Aldingbourne particularly as according to ANDP policy H1 2019, the Parish has exceeded its allocation by 48 units.

The Council's HELAA states the site has been promoted recently therefore is considered available for development. Given that development was quick to commence on the adjacent site (which has the same applicant), there is no reason to doubt that the site is available in the short term albeit it will be necessary to secure a reserved matters consent (unlike BN/50/20/PL which was a full permission).

- (ii) A Landscape Visual Impact Assessment (LVIA) has been submitted and this states that the site is acceptable in visual terms and would not have an adverse visual impact upon the South Downs National Park. The Council's Landscape Officer has not raised any concerns.

- (iii) Matters of layout, scale, appearance & landscaping are reserved for a future application but it is clear from the indicative layout that the site can be developed through a landscape led approach with a framework of landscaped spaces being created around the boundaries of the site.

- (iv) Natural England have accepted the Council's Appropriate Assessment and consider that subject to conditions being imposed, there will be no adverse effect on the integrity of the Singleton and Cocking

Tunnels SAC.

(v) This report concludes although the site will be car reliant, when considering the NPPF as a whole, it is still a sustainable site. The adjacent site, permitted by BN/50/20/PL (which the site will be linked to) was considered to be in a sustainable location.

(vi) This report concludes no adverse environmental, amenity, ground water flooding or traffic impacts.

(vii) The site does not lie within 50m of the ANDP designated biodiversity corridors.

There is a slight conflict in respect of (a) in that the proposal does not make it clear how it relates to the needs of the Aldingbourne Parish. It is material that the site is closely related to the Parish of Barnham & Eastergate so the new houses will serve a wider area than just Aldingbourne Parish.

Other Material Considerations

In February 2020 the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The HDT results for 2020 were published on 19 January 2021 and show Arun achieved 61% thus triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommended the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. It is acknowledged the site is not listed as deliverable in the HELAA due to it being outside of the settlement boundary. The HELAA states the site is "within 400m of the BUAB and may be accessible to services, jobs and leisure".

In February 2021, Arun published an Interim Policy Statement for Housing Delivery. This is not policy but it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. However, it is stated to only apply to sites adjacent to settlement boundaries and so would not apply to this site.

Sustainability

ALP policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Although in the countryside, the site is sustainably located as it adjoins approved site (BN/50/20/PL) which was itself considered acceptable as it was roughly equidistant between the edges of two nearby BUABs. The site is 170m (as the crow flies) from the edge of the BUAB to the south and 315m from the edge of the BUAB to the north (this being the edge of the Fontwell Avenue site approved for new residential dwellings and employment/other non-residential floorspace).

Residential occupiers can realistically use alternative methods of transport to the car to access nearby shops, services and places of employment. These include walking & cycling and public transport. Whilst public transport may not be particularly attractive in terms of frequency, it does exist as an alternative.

The application includes a travel plan which proposes new residents be provided with vouchers towards cycling equipment/bus travel. In addition, improvements are proposed to a nearby bus stop. In terms of other environmental considerations, the development will not result in significant loss of trees or important wildlife habitat and in any case, new trees and other planting will be sought. The application suggests the application will respond directly to the climate change standards set out by ADC and it is estimated the scheme will deliver carbon dioxide emissions saving of 12.9%.

The proposal will include 21 affordable homes and up to 69 dwellings to contribute to the current housing land supply shortfall & helps to meet future needs. There will be a requirement that a percentage of the new housing be designed to be suitable for the older population and for those with mobility issues.

The application includes a statement on likely economic benefits of the development which quantifies the impacts and includes references to new jobs and new spending by occupiers. This includes 38 direct construction jobs, 43 indirect & induced construction jobs, resident expenditure per annum of £2.2m, £141,000 per annum additional Council Tax receipts and £137,000 in New Homes Bonus payments. The Statement does not specify where the jobs will be created (i.e. whether local, regional or national). CIL receipts could be used to contribute towards local infrastructure. This does need to be contrasted with the impact of the loss of the agricultural land but it is material that the land is not presently used for agriculture and there is no realistic prospect of it being so used in the future.

The New Homes Bonus and Community Infrastructure Levy are local finance considerations and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application. However, council tax revenues are not capable of being considered in the same way.

It is considered that the proposal does meet the economic, social and environmental aspects of sustainable development and therefore the presumption in favour of sustainable development is engaged. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Conclusion on Matters of Principle:

The principle of development on this countryside site is in conflict with the ALP but broadly in accordance with policy EH1 of the ANDP. The conflict between the two would be resolved in favour of the newer ANDP. Even if it were considered that the proposal was in conflict with policy EH1 (due to a lack of information as to how the proposal meets the needs of Aldingbourne), because the Councils HLS is now below 3 years, paragraph 14 of the NPPF would not apply and the application would then fall to be determined by the NPPF presumption in favour of sustainable development.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification (ALC) Report which concludes that all of the site is in Grade 2. The site is not used for agriculture and historic aerial photography back to 1991 does not evidence arable use. The adjacent manège is clearly shown as being in situ in 1991 suggesting that the land has been used for equestrian purposes for a number of years.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. ANDP policy EH3 states development proposals affecting best and most versatile agricultural land will be

resisted unless it can be demonstrated that the need for the development clearly outweighs the harm.

In allowing an appeal at Clays Farm, Yapton which concerned a refusal on loss of grade 2 agricultural land (Y/62/18/OUT), the Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered that the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

The need for this development to boost the Council's HLS shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is not currently used for agriculture. This echoes the approach taken by the Inspector concerning the site at Clays Farm.

The policy makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. The applicant states that a 2.1 hectare site would not be able to support viable agricultural activities in isolation and that its loss represents an insignificant reduction in district wide agricultural land area in overall terms. There is no response to these policy criteria (which require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures) and so whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. However, a condition can be imposed to secure a Soil Resource Plan to protect and secure reuse of the important soils.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. Policy M9 (b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The applicant provided a Mineral Resource Assessment and the Council has consulted with WSCC Minerals & Waste. They agree the prior extraction is not practicable and raise no objections. The proposal would comply with criteria (iii) of the policy as there is an overriding need for new residential land development to counter the Council's current HLS deficit.

WASTE SAFEGUARDING:

The site is within 350m of a safeguarded scrap vehicle waste site defined by the West Sussex Waste Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The site is currently in use as a car salvage centre. The application site is a significant distance away and there are other uses in between. It is not considered there will be any impact on the waste site and therefore no conflict with this policy.

HERITAGE ASSETS:

The site is around 600m from Denmans Garden which is a Grade II Listed Park/Garden of Special Historic Interest in England. There is also a Listed Building at 650m from the site and a Building of Special Character 125m away.

ALP policy HER SP1 states that development likely to prejudice heritage assets including Non-Designated Heritage Assets and their settings will be refused. Policy HER DM1 requires that proposals

protect and, where possible, enhance the setting of Listed Buildings. HER DM2 only offers protection to the Building of Special Character itself (i.e. it does not protect the building's setting). ANDP policy EH8 also refers to Buildings of Character and does refer to the setting of these.

Para 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, less than substantial harm or substantial harm. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202). In respect of non-designated heritage assets, para 203 requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicants provided a Heritage Desk Based Assessment which highlights the importance of Denmans Gardens and states its significance derives from its historic interest and innovative/on-going design. The Conservation Officer reviewed the scheme and concluded it be determined in accordance with the relevant development plan policies. The Sussex Gardens Trust have also raised no objections. As such, it is not necessary to consider the NPPF requirements at paras 202 and 203.

There will be no harm to the setting of the nearby heritage assets and so no conflict with the relevant policies. There may be some indirect impacts if there is an increase in vehicle movements along Level Mare Lane, however, as the Level Mare Lane/A27 junction is not as attractive in road safety terms to the A29 roundabout (particularly in terms of getting onto the A27), it is not considered any increase will be significant and therefore there will be no harm to the heritage assets.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted with the application. The Councils Archaeologist raises no objections. The application is accompanied by an archaeological assessment (forming part of the Heritage Desk Based Assessment) and so there is no conflict with policy HER DM6.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes whilst GA3 requires parking be provided to meet current standards. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application proposes a main access from the adjoining site which benefits from an approved access

onto Fontwell Avenue. The connection to the existing approved road would have a bellmouth arrangement and footway consistent with the footway widths provided within the approved scheme. There will also be a new secondary access onto Level Mare Lane to serve no more than 6 homes in that part of the site. The existing field gate access on Level Mare Lane would then be stopped up. A condition will be imposed to ensure that the reserved matters submission has no more than 6 dwellings accessed from Level Mare Lane.

BN/50/20/PL included a uncontrolled pedestrian crossing point on Fontwell Avenue. On this application, the applicant has agreed to fund improvements to the nearby northbound bus stop on Fontwell Avenue and this will be secured by a condition (requiring the applicant enter into a s278 agreement). These improvements will include an additional uncontrolled pedestrian crossing point and new hardstanding.

The comments of WSCC Highways are set out in full on the Councils website and summarised elsewhere in this report. They raise no objections and state no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe (NPPF para 111).

As there are no details as to layout, the size of the houses or the exact form of parking provision, it is not appropriate to consider parking provision at this time. Compliance with the Arun Parking Standards SPD will be considered at the reserved matters stage. This will include a requirement to ensure 5% of all spaces are suitable for the disabled and a condition is included to remind the developer of this requirement.

Local residents objections are raised in respect of the proposal in the draft Construction Management Plan that all construction vehicles access the site from Level Mare Lane. This would be a temporary arrangement whilst the site is constructed and any adverse impacts would not be long lasting and will be managed during the site's construction to minimise impacts.

The proposal is compliant with the development plan policies and the guidance on highway safety within the NPPF.

LANDSCAPE, CHARACTER & DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. ANDP policy H3 states density should be appropriate to location.

The indicative layout shows a mix of detached, semi-detached and terraced dwellings. Section G of the Arun Design Guide suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations. The density should also be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The overall proposed density is 27.3 dwellings per hectare.

The Design Guide states each scheme is to be assessed based on the context, accessibility, proposed building type, form and character of the development of the individual site - and as a result, the density may be outside of the indicative ranges. It is material that permission is applied for up to 69 dwellings and the Local Planning Authority would be able to seek a lower number at reserved matters stage.

As stated, the application is outline and does not seek the approval of layout, external appearance, scale or landscaping. The indicative masterplan suggests that the site layout will ensure a landscaped soft edge to all of its boundaries. This also has the result of maintaining existing boundary trees ensuring

that the new homes will be screened from nearby public viewpoints.

The layout is similar in form and density to the approved site next door. It is positive that the layout proposes an open buffer on the east side which reflects the open area on the west side of the approved development. This will have benefits to biodiversity and the health & wellbeing of future occupiers.

There will be a visual change to the character of Level Mare Lane in respect of views of the land however, this is presently partially mitigated by existing tree & hedge planting. New landscaping will, over time, enhance the existing planting and further screen the development from Level Mare Lane. There is proposed to be a new access onto Level Mare Lane but this will only serve a small number of dwellings and will not result in significant harm to the quiet character of the Lane.

The submitted LVIA states the site is acceptable in visual terms and would not have an adverse visual impact upon the South Downs National Park. The Landscape Officer has not raised any objections.

Although the proposal will result in a change to the character of the area particularly in respect of Level Mare Lane, this is outweighed by the benefits of the proposal including the contribution to the HLS shortfall. The proposal is therefore acceptable in respect to density, landscape and character.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses.

Despite this being an outline application, it is appropriate to assess whether the indicative layout would give rise to any harm to existing residential properties. The closest existing/approved dwelling to the site is on land rear of 1 Northfields Cottage. It is only 3m from the site boundary however the indicative layout shows a distance of 23m between it and plots 57-64 which would be sufficient to meet the Design Guide requirements. All other existing/approved dwellings are much further away.

The new access to Level Mare Land is not near any existing dwellings whilst the dwellings on the adjacent site are not built yet and so their future occupiers will not suffer any change in amenities arising from extra traffic traversing their estate.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

POLLUTION IMPACTS:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

The layout will allow persons to walk or cycle out of the site either directly onto Level Mare Lane via a new footpath or the secondary access, or out towards Fontwell Avenue via the main road access. Application BN/50/20/PL proposed a new uncontrolled crossing point on the A29 to enable pedestrians to reach the existing footway on the opposite side.

The site is in a sustainable location between the edge of Eastergate and the new Fontwell development to the north. New residential occupiers will be able to walk, cycle or use existing bus services to access

nearby facilities. A condition can be imposed to require electric charging points to serve the new dwellings.

ALP policy QE DM1 refers to noise pollution but is not relevant to this determination as the site is not adjacent to a main road/other noise source and the policy does not require the assessment of noise from new residential developments.

ALP policy QE DM2 states outdoor lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further that schemes proposing outdoor lighting be accompanied by an assessment. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

An indicative Lighting Strategy is set out within the Design and Access Statement. It has been formulated around achieving safe light levels across the site whilst also incorporating feature lighting in line to minimise light pollution in accordance with policy QE DM2(b). Full details will be provided at reserved matters stage. A condition would be imposed at reserved matters stage and would ensure that lighting is designed to be sensitive to bats and other wildlife using the site boundaries.

The application is accompanied by a Noise Assessment, Odour Assessment and an Air Quality Assessment. The Councils Environmental Health officer has reviewed these and raises no objections. Conditions are requested to control dust from construction, control construction hours, secure electric vehicle charging, deal with land contamination, secure a construction management plan and protect any early residential occupiers from construction noise. There is no conflict with the relevant policies.

TREES:

ALP policy ENV DM4 requires TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. ANDP policy EH6 states loss of trees contributing to amenity can be sanctioned where the benefits outweigh the loss.

The proposals suggests tree loss will be limited to the position of the access on the eastern side and comprise of category B and U trees. A planted hawthorn hedge will also need to be removed from within the site. The Councils Tree Officer visited the site prior to the submission, identified the trees worthy of protection and the Council served a TPO on these. The Tree Officer raises no objection at this outline stage and although there are concerns with the layout presented, these will be resolved through the future submission of the reserved matters scheme.

Landscaping will also be considered at the reserved matters stage and the Council will require that two trees are planted for each that is lost and also require that new hedgerow is planted. This is also included in a condition. It is clear however that the tree and hedgerow loss are required to facilitate the development of the site, are not excessive and that there will be space available within the site to allow tree planting on a 2:1 ratio. The benefits of this development to the Councils HLS outweigh the harm in respect of the lost trees and there is no conflict with the relevant policies.

BIODIVERSITY:

Fontwell Park Racecourse on the opposite side of Level Mare Lane is designated as a Site of Nature Conservation Importance (SNCI). SNCI's are areas which are designated locally for their wildlife importance but do not benefit from any statutory protection. ALP Policy ENV DM1 states that

development which would have an adverse effect on this area would not normally be permitted.

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). Policy SD10 of the South Downs National Park Local Plan states development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure key features (foraging habitat and commuting routes) are retained. ANDP policy EH12 2019 states proposals for development of greenfield sites must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines. Such features should be retained unless it is proven that they are not used by Barbastelle, Bechstein or other bats linked with nearby roosting sites.

The application is accompanied by an Ecological Impact Assessment (EIA), a Biodiversity Net Gain Assessment, a Biodiversity Net Gain DEFRA Metric 2.0 Calculations document and a document entitled "Information to Inform an Habitat Regulations Assessment". The EIA found no protected species were recorded utilising the site but the mature vegetation to the western boundary is likely to be utilised by common light-tolerant bat species such as Pipistrelle. The site is considered to be of low to negligible value to other protected species.

The EIA states evidence from bat activity surveys suggests the loss of canopy connectivity will have no significant impact upon the bats using the local area, as these also forage in open ground. It is proposed to add new semi-mature tree planting to each side of the gap where the access will be to allow overhang and close the gap as much as possible. The EIA includes various mitigation and enhancement proposals. The Council's ecologist reviewed the documents and raises no objections and recommends conditions. No concerns are expressed in relation to impacts on the SNCI.

The Council prepared an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This determines that the proposal will not result in any significant adverse effects upon the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats. Natural England reviewed the AA and agree without appropriate mitigation, the application would have an adverse effect on the integrity of the SAC but conditions can be imposed to make the development acceptable. These conditions will be imposed on any permission granted. On this basis, there is no conflict with South Downs policy SD10 or ANDP policy EH12 2019.

The proposal results in the loss of 11 trees and a 190m section of hawthorn hedge. New planting to be detailed at reserved matters stage will ensure these losses are mitigated. Other biodiversity enhancement measures can be secured through conditions. The Biodiversity Net Gain documents state the indicative layout suggests the proposals would result in a net gain of 8.11% in habitat units and 23.41% in hedgerow units thus providing new habitat for a diverse range of biodiversity interests.

The proposal complies with the relevant policies.

FLOODING & SURFACE WATER DRAINAGE:

The site is not affected by any current or future flooding from rivers/sea and is within Flood Zone 1. As per the WSCC drainage response, there are no records of any surface water flooding on the site and the current risk is low. ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

There was significant negotiation between drainage engineers and the applicant in respect to the adjacent site due to its location in a groundwater source protection zone and the same is true of the new application site. The experience of the previous application has streamlined considerations relating to this site. The Council's drainage engineers raise no objections in principle and request standard conditions. Portsmouth Water raise no objections provided that similar conditions are imposed to those placed on BN/50/20/PL (in respect of protecting the below ground aquifers). On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

ALP policy W DM1 states that all major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development.

The response of Southern Water notes the nearest public sewer is in the adjacent site BN/50/20/PL. The applicants would be able to link to this either as a brand new connection or an extension of the foul drainage system approved by BN/50/20/PL. Southern Water raise no objections as long as the site is delivered in a phased manner to align with necessary network reinforcement measures. There is no conflict with policy W DM1.

TELECOMMUNICATIONS:

ALP policy TEL SP1 and ANDP policy EE8 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. These policies will be adhered to by means of a condition to require evidence of such a connection before the homes are occupied.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application includes a Sustainability Statement which states resource & water efficiency will be maximised, whilst the production of waste & pollution will be minimised. It states by designing to rigorous energy standards and employing low carbon & renewable technology, the application will respond directly to the standards set out by ADC achieving a carbon dioxide emissions saving of 12.9%. A condition will need to be imposed to ensure the measures proposed are carried into the reserved matters application and the final build. On this basis, there would be no conflict with the relevant policies.

HOMES FOR OLDER PEOPLE:

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations.

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2.

It is not possible at this stage to determine the proposal against these policies due to layout not being for consideration however a condition has been included in the recommendation to require that the reserved matters scheme take account of these requirements.

AFFORDABLE HOUSING:

As per ANDP policy H4, developments over 10 residential units require a minimum provision of 30% affordable housing on site (over 11 units as per ALP policy AH SP2). The Councils Housing Strategy & Enabling Manager has stated that 21 affordable dwellings should be secured by a s106 legal agreement. The response states the tenure split should be 75% rented & 25% intermediate housing with the mix to be in accordance with the Councils Strategic Housing Market Assessment (SHMA).

The Council recently adopted an interim affordable housing policy which sets out the need to secure first homes as part of the mix. In order to be in accordance with this policy, the mix will need to comprise of 5 First Homes, 2 intermediate/shared ownership and 14 affordable rented. The affordable housing provision will be secured by the s106 legal agreement and on this basis, the proposal will accord with policy AH SP2. The preparation of the s106 will also seek to involve the ABE CLT.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 5693.5m² of Public Open Space (POS) including 835m² of play provision comprising of on-site Local Area of Play (LAP) and Local Equipped Area of Play (LEAP).

The on-site POS & play can be secured by conditions and so are not dependant on the agreement of a s106. There would be no requirement for other sport/recreation/fitness provision to be provided on the actual site. As it is not possible to secure any off-site contributions through a s106 Agreement due to CIL, contributions to these would need to be funded by CIL instead. On the basis that on-site POS and play would be secured by conditions, there would be no conflict with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community.

This development would be liable for CIL but this will not be calculated until the reserved matters stage when the proposed floorspace is known. Infrastructure providers such as WSCC and the NHS can then make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also be provided with 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

In respect of highway contributions, para 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways, it is

evident that no ADC CIL money will be spent on strategic highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for strategic highways (i.e. the strategic road network as managed by National Highways) and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to National Highways where there are impacts on the strategic road network. It is clear that National Highway's consultation is an objection unless the LPA seeks to collect a contribution for A27 Fontwell Roundabout junction improvements.

Subject to the applicant entering into a s106 Agreement to secure the National Highways contribution and the Travel Plan monitoring/auditing fee required by WSCC Highways then there would be no conflict with ALP policy INF SP1. The WSCC Highways contribution cannot be secured by s106 as the proposed works are not within the site area and will instead need to be delivered through CIL. The bus stop improvements cannot be secured by s106 for the same reason but will instead be delivered through a s278.

The applicant advised that they are not prepared to initiate the s106 process as there is no guarantee the recommendation will be accepted. Therefore, any money that has already been spent on progressing the S106 would have been abortive.

SUMMARY:

There is conflict with policies in the development plan concerning development of a countryside site and loss of agricultural land. The proposal will make a meaningful contribution to the housing land supply (HLS) shortfall and this along with the other benefits serve to outweigh these policy conflicts. The proposal broadly complies with the requirements of ANDP policy EH1 and it is material that the Councils HLS has fallen below 3 years (now 2.4 years). The housing policies in the ANDP do not now benefit from the weight afforded by para 14 of the NPPF. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged.

The proposal is recommended for approval subject to conditions and a s106 agreement. As the s106 has not yet been started, it is requested the final decision be delegated to the Group Head of Planning with authority to make minor amendments to the s106. Should the s106 not be completed in 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.

(2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

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.

SECTION 106 DETAILS

This decision will be subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 21 Affordable Dwellings consisting of 5 First Homes, 2 Intermediate and 14 Affordable Rented. The s106 will be tailored to include local housing clauses and involve the ABE CLT.
- (2) A contribution of £11,316 towards the junction modification of the A27 Fontwell Avenue Roundabout.
- (3) A fee of £1500 for monitoring and auditing of the submitted Travel Plan Statement.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-
 - (a) Layout;
 - (b) Scale;
 - (c) Appearance;
 - (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Location Plan dwg 296621C_10 Rev F;
 "Access Design" dwg 020.0360.001;
 "Land Use Parameter Plan" dwg 29662C_130 Rev E;
 "Site Access Arrangements From Phase 1" dwg 020.0672.001 Rev A
 "Access onto Level Mare Lane" dwg 020.0672.002 Rev A
 "Level Mare Lane Visibility Splays" dwg 020.0672.007 Rev A;
 "Proposed Bus Improvements" dwg 020.0672.012; and
 "Air Quality Assessment: Land at Bayards, Eastergate, Arun" (dated August 2021).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

- 4 The development shall proceed in accordance with section 5.0.8 of the Minerals Resource & Waste Infrastructure Assessment (August 2021) in that any pockets of gravel resource that are encountered through the preparatory earthworks required for the construction of the development shall be excavated and put to a beneficial use on the site.

Reason: In the interests of preserving valuable below ground minerals in accordance with Policy M9 of the West Sussex Joint Minerals Local plan (2018).

- 5 The site should be continually managed from the date of the decision in order to ensure that the site remains unsuitable for reptiles. If this is not possible then a precautionary approach should be taken within the site at the point of development commencement with regards to reptiles. This shall involve any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Reason: To mitigate harm to any reptiles using the site in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 6 Any brush piles, compost or debris piles on the site must only be removed outside of the hedgehog hibernation period (mid-October to mid-March inclusive) unless first checked by a qualified ecologist. If any small mammals are found then they must be relocated away from the construction area into surrounding suitable habitats. All piles removed outside of the hedgehog hibernation period must undergo soft demolition.

Reason: To mitigate harm to any hedgehogs using the site in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 7 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 8 The development shall be carried out in complete accordance with the recommendations of the Biodiversity Net Gain Assessment Report (LLD2327, 27/08/21) and the Ecological Impact Assessment (LLD2327, 19/08/21). In addition, the landscape details to be submitted pursuant to condition 1 shall incorporate the following biodiversity improvements in order to demonstrate biodiversity net gain:

- New native trees planted on a ratio of 2 for every 1 lost including street trees which are

suitable to their location and are given space to grow;

- Wildflower meadow planting used;
- Bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground;
- Bird boxes to be installed on the buildings / and or trees within the garden of the properties;
- Grassland areas managed to benefit reptiles; and
- Log piles and hedgehog boxes provided on-site.

Reason: To demonstrate biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

9 The landscape details to be submitted pursuant to condition 1 shall include the following items:

(1) Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority;

(2) Details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter;

(3) A mitigation method statement which provides full details of how the retained hedgerows and the Wooded Shaw along the eastern boundary are to be protected and enhanced. The proposed protection details must include a 5m buffer zone to be secured by fencing around the retained natural areas during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures; and

(4) A Landscape Management Plan to provide full details on how the habitats and enhancements on the development will be managed post construction.

Reason: In the interest of visual amenity, the quality of the environment and bats in accordance with policies D DM1, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

10 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 34th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS and Play provision is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

11 The layout, scale and appearance details to be submitted pursuant to condition 1 shall ensure that the access onto Level Mare Lane serves no more than 6 dwellings. The submission shall also include the following items:

- (1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings;
- (2) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval;
- (3) 5% of all parking provided as suitable for disabled persons;
- (4) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting that illuminates the Wooded Shaw running along the eastern side of the site and care should be exercised in respect of lighting directed to the other site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details; and
- (5) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: As set out in the submitted Transport Assessment and on the basis that the access onto Level Mare Lane has been assessed on the basis of 6 dwellings); and in the interests of visual amenity, the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety, the needs of the disabled, to minimise unnecessary light spillage outside the development site, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM2, QE DM3, ENV DM5 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 12 Should any temporary showhome/s or sales areas be required then full details shall be provided prior to any part of the development site reaching damp proof course (DPC) level. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall then be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 13 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme accords with Aldingbourne Neighbourhood Development Plan Policy H2 (which requires 25% of all homes to meet Building Regulations standard M4(2)) and also with the Councils guidance note entitled "Accommodation for Older People and People with Disabilities Guidance" which requires accommodation to meet both standards M4(2) and M4(3).

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan and policy H2 of the Aldingbourne Neighbourhood Development Plan.

- 14 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the local planning authority (who shall consult with the Environment Agency & Portsmouth Water). The development shall be carried out in accordance with the approved details.

A piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) should be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

It must be demonstrated that any proposed piling:

- a. Will not result in contamination of groundwater;
- b. Will not increase risk to drinking water supplies (including turbidity); and
- c. Will not deteriorate the transmissivity of the aquifer.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with paragraph 109 of the NPPF and policies W SP1 & W DM1 of the Arun Local Plan. This is not strictly a pre-commencement condition as other means of foundations are available however, if piling must be used then these details must be agreed prior to commencement and this condition is required because otherwise the water supplies under the site could be adversely affected.

- 15 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the Environment Agency, Portsmouth Water and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the network peak hours of 0800-0900 and 1700-1800 where practicable);
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- construction vehicle delivery times;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);

- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction including the briefing of site operatives, monitoring by an ecologist and either securing or providing a means of escape for all deep pits/trenches/holes present on the site at night-time.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats), protecting groundwater supplies and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3, W SP1, W DM1 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 16 Development shall not commence, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Portsmouth Water. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained and does not harm groundwater resources in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 17 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 18 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency, Portsmouth Water and Southern Water (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

The submission of details shall also include a phasing plan drawn up to ensure that occupation of the site aligns with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage and does not harm controlled waters and the public drinking water supply in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 19 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required

and how they are to be undertaken.

4. A 'Verification Report' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

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

20 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

21 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved

details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 22 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 23 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it is not possible to carry out archaeological survey work once development including roads, foundations and surface infrastructure has commenced.

- 24 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/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 in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 25 The developer shall enter into a Section 278 agreement with the local highway authority to enable the bus stop improvements to be implemented. These shall be completed prior to the occupation of any part of the development.

Reason: In the interests of road safety and accessibility in accordance with policies T SP1 and T DM1 of the Arun Local Plan and the NPPF.

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

necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 27 If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration from construction activities should be submitted and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 28 No part of the development shall be first occupied until such time as the vehicular accesses serving the development have been constructed in accordance with the approved plans.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 29 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with plans to be submitted to and approved by the Local Planning Authority in consultation with West Sussex Highways.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate reopening in the future and also in the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 30 No part of the development shall be first occupied until visibility splays of (a) 2.4m by 43m have been provided at the proposed vehicular access onto the development layout approved by BN/50/20/PL and (b) 2m by 120m have been provided at the proposed vehicular access onto Level Mare Lane; both 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 the adjoining carriageway level or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 31 If, during development, contamination not previously identified is found to be present at the site then the local planning authority must be notified immediately. No further development (unless otherwise agreed in writing with the local planning authority in consultation with the Environment Agency and Portsmouth Water) shall be undertaken in that phase until the developer has submitted and had approved a site investigation, risk assessment and remediation strategy report, detailing how to mitigate the contamination identified. The remediation strategy approved by the local planning authority shall be implemented in full before development in that phase recommences.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health and to ensure that risks from land contamination to drinking water supplies is controlled and mitigated in accordance with Arun Local Plan policies QE SP1, QE DM4, W SP1 and W DM1.

- 32 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.

- 33 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:
- (1) The provision of 30% of the dwellings as affordable (consisting of 33% 'Intermediate Housing' where 25% is 'First Homes' and 8% other Intermediate ownership products) and 67% affordable rent). The s106 will be tailored to include local housing clauses and involve the ABE CLT;
 - (2) A contribution of £11,316 towards the junction modification of the A27 Fontwell Avenue Roundabout; and
 - (3) A fee of £1500 for monitoring and auditing of the submitted Travel Plan Statement.
- 34 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the following website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 35 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.
- 36 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 37 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>.
- 38 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

39 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

40 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

41 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.

42 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 0345 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.

43 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 07/09/21) as available on the Councils website.

44 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).

45 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.

46 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990. For further information please contact the Environmental Health Department on (01903) 737555.