

Recommendation Report for Planning Permission

REF NO: AL/122/17/PL

LOCATION: Land West Of
Fontwell Avenue
Eastergate
PO20 3RU

PROPOSAL: 2 No. dwellings (resubmission following AL/72/17/PL). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 2 semi-detached houses will be located on the central third of a large site which previously benefitted from outline permission for three detached dwellings under planning ref AL/95/13/. Each dwelling will have 4 double bedrooms, two with en-suite bathrooms. The dwellings will be two storeys only with no rooms in the roof. Off-street parking is provided to the front with access from the A29 as per the previously agreed access layout.
SITE AREA	0.1799 hectares
RESIDENTIAL DEVELOPMENT DENSITY	11.2 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A row of tall conifer trees along the rear boundary to the scapyard. One medium sized deciduous tree at the northern of the site frontage and another similar tree at the southern end. A number of trees along the frontage have been felled.
BOUNDARY TREATMENT	* Low up to 1m high railing style fence to the site frontage; * Part 1.8m close boarded fence/part ranch style fencing to the boundary with Oaktrees; * Row of conifer trees behind a part wire fence/part hedge to the rear of the site; and * Currently open to the adjacent plot to the North.
SITE CHARACTERISTICS	Part of a vacant field which is overgrown in places. There is a field gate onto the A29 Fontwell Avenue and the whole site shares a dropped crossing with the neighbouring property, Westfield House. The northern third of the AL/95/13/ site is in the process of being developed for two semi-detached houses under planning permission ref AL/121/16/PL.
CHARACTER OF LOCALITY	The site is outside the settlement boundary but predominantly residential as there are dwellings on both sides of the site and on the opposite side of the A29. The site frontage falls within a 40mph zone and the start of the 30mph zone is adjacent to the southern end of the site.

Westfield House is a two storey detached dwelling of a traditional style in brick and clay tile. It has no flank facing windows and has a conservatory on the rear adjacent to the shared boundary. Oaktrees on the other side is a 1.5 storey dwelling with its first floor accommodation within a Dutch hipped barn style roof. It has render to the lower floor, brick to the first floor flanks and a tile roof. It has flank facing windows at both ground and first floor (with the first floor window appearing to be a bedroom) and a row of roof lights on the rear. To the rear of the site, beyond the line of trees, there is a vehicle scrapyard.

RELEVANT SITE HISTORY

AL/136/17/PL	Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan	
AL/72/17/PL	2 No. dwellings. This application is a Departure of the Development Plan.	Withdrawn 05-09-17
AL/121/16/PL	2No. semi detached houses. This application is a Departure from the development plan	ApproveConditionally 01-02-17
AL/106/15/OUT	Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.	Refused 19-01-16 Appeal: Dismissed 03-08-16
AL/95/13/	Outline planning application for 3 no. detached houses with garaging - This is a Departure from the Development Plan	ApproveConditionally 25-04-14
AL/122/87	Outline Application for six residential units	Refused 21-01-88 Appeal: Dismissed 10-10-88
AL/67/86	Outline application for erection of vehicle crusher, machine store, tractor store, offices, workshop, dwelling and garage	Withdrawn 23-09-87

AL/95/13 was granted permission in April 2014. It sought outline permission for 3 dwellings and included access and layout details. The time period for the submission of reserved matters expired in April 2017 but the permission is valid until April 2019.

AL/106/15/OUT sought outline permission for 5 detached dwellings. It was refused on the grounds of character/overdevelopment, loss of light to Westfield House and no affordable housing contribution. An appeal was dismissed on the 3rd August 2016. The Inspector made the following analysis of the character issue:

"The proposed layout of the site is to be determined at this stage, including gaps between dwellings and to the site boundaries. This linear layout behind substantial front gardens largely reflects that of surrounding development, but the gaps between the proposed dwellings on plots 1-4 and to Westfield House would be considerably smaller than most gaps between the surrounding houses on the approach to Eastergate, particularly on this side of Fontwell Avenue.

Notwithstanding that the site already has planning permission for 3 houses and the changes to the land they would bring, the narrow gaps between the dwellings on the layout now proposed, particularly on plots 1-4, would result in a cramped and overdeveloped appearance that would adversely affect the rhythm of development on Fontwell Avenue and would be out of keeping with the semi-rural appearance of the area."

Application AL/121/16/PL was granted planning permission at the Development Control Committee on the 1st of February 2017 and allowed for the development of two semi-detached dwellings on the northern third of the AL/95/13/ site. This permission is in the process of being implemented.

Application AL/72/17/PL also concerned the central third of the AL/95/13/ site and is a direct precursor to the current application. Permission was sought for two detached dwellings but the applicants were advised that this could not be supported and that they would be better placed applying for similar semi-detached dwellings as approved by AL/121/16/PL. This application was therefore withdrawn.

Application AL/136/17/PL was submitted in late December 2017. It seeks permission for two semi-detached dwellings on the southern third of the AL/95/13/ site. This application will still be within its initial consultation period by the time of the February Committee.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"The Councils previous objection stands. The application site is outside the built up area and contrary to the policies of the ANP".

Two letters of objection from local residents raising the following issues:

- (1) Increase in cars entering/exiting the A29 at the same location as the shared access for Westfield House, Fairways, Lulworth & Rowley;
- (2) Increased potential for illegal parking of construction vehicles along the verge on the A29 to the detriment of highway safety;
- (3) Departure from the Development Plan;
- (4) The site no longer benefits from a previous residential approval;
- (5) AL/121/16/PL cannot be used as a precedent for this application;

- (6) The Council should only consider a new proposal which reinstates the planning for two dwellings which had lapsed (AL/93/13/);
- (7) The lack of garages has adverse implications for parking & road safety;
- (8) The WSCC Highways response is based on a development size of up to 5 units but if permission is granted for this application and then also for two dwellings on the southern third of the site then there will have been 6 units;
- (9) The gaps between dwellings are not similar to others in the Avenue;
- (10) The change from detached to semi-detached has not increased the width of the gaps between surrounding houses;
- (11) The applicant previously stated that a semi-detached scheme here would result in an increase in bulk & mass and a reduction in spaces between dwellings when compared to the previous scheme of two detached dwellings; and
- (12) The Flood Risk Assessment is out of date.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council concerns will be discussed in the report's conclusions section under "Principle".

The following comments are made in respect of the neighbour concerns:

- (1) & (2) These will be discussed in the Conclusions section under "Highways & Parking".
- (3) This will be discussed in the report's conclusions section under "Principle".
- (4) This is correct. Please refer to Principle" section of the report Conclusions.
- (5) Planning law dictates that each application should be treated regarding its own merits. However, precedent is capable of being a material consideration and should be considered in determining an application.
- (6) The Council is required to determine any & all applications which are submitted to it.
- (7) This will be discussed in the Conclusions section under "Highways & Parking".
- (8) Noted but the current application is for two dwellings (so a total of 4). The application that has been submitted for the southern third of the AL/95/13/ site proposes an additional access point onto the A29 which may, if approved, result in less traffic using the existing approved access point.
- (9) & (10) These will be discussed in the report's conclusions section under "Density, Design & Character".
- (11) This comment was made in order to try to persuade the Council to accept the two detached dwelling scheme.
- (12) The applicant has revised the Flood Risk Assessment (December 2017).

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objections. Request an informative regarding connection to the public sewer network and a condition to protect an existing public sewer.

WSCC HIGHWAYS - No Objections subject to conditions. Consider that the access arrangements approved by AL/95/13/ are appropriate and that no amendment is required. It is considered that 3

spaces should be provided per dwelling. However, although only 2 are shown, there is sufficient space to allow for further off-street parking whilst still allowing vehicles to turn in order to enter the A29 in a forward gear. Conditions requested in respect of a Construction Management Plan, access, visibility splay, parking, turning and cycle parking.

ADC DRAINAGE ENGINEERS - No objections subject to a drainage condition. State that the Flood Risk Assessment is out of date and refers to a superseded Strategic Flood Risk Assessment document.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. As reported elsewhere, the Flood Risk Assessment has been revised/updated.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Special Control of Adverts;
Grade 3a Agricultural land;
Flood Zone 1; and
Class A Road.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN3	Protection of the Countryside
GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN32	Noise Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
H SP1	Strategic housing, parish and town council allocations
QE DM1	Noise Pollution
SO DM1	Soils
QE DM2	Light Pollution
QE DM3	Air Pollution
QE DM4	Contaminated Land
QE SP1	Quality of the Environment

SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
T DM1 Sustainable Travel and Public Rights of Way
T SP1 Transport and Development
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

Main Modifications of the Local Plan (April 2017):

H SP1 Housing Allocations
H SP2 Strategic Site Allocations
H SP2c Inland Arun
SD SP1a Strategic Approach

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	Best and most versatile resisted unless...
	Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...
	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H6	Within built up area boundary
	Windfall sites
Aldingbourne Neighbourhood Plan 2016 POLICY H7	No support development near noisy business
	Development in the vicinity of business
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.
	Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY	Items to consider e.g. - bin stores

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

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

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

The Neighbourhood Development Plan

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

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

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

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

The relevant policies of the Aldingbourne Neighbourhood Plan are discussed 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 proposed development is located outside the built up area boundary (BUAB) of Aldingbourne and is therefore considered to be contrary to the relevant Development Plan policies. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out-of-date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section.

- * The planning history of the site namely that there was until recently an extant outline planning permission (AL/95/13/) for three dwellings across the whole site and that there is planning permission for two semi-detached dwellings on the northern third of the site;
- * The fact that the Council cannot currently demonstrate a 5-year housing land supply;
- * The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development;
- * The Written Ministerial Statement of December 2016;
- * The Secretary of State's three recent decisions concerning the Call-in Inquiries for the Fontwell (WA/22/15/OUT), Burndell Road (Y/19/16/OUT) and Ford Lane (Y/80/16/OUT) applications; and
- * The Supreme Court Ruling dated 10th May 2017 on the application of Paragraphs 14 & 49 of the NPPF in respect of how they relate to the lack of a 5-year housing land supply (Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East Borough Council).

CONCLUSIONS

PRINCIPLE:

It is noted that the Parish Council state that the application site is outside the built up area and is therefore contrary to the policies of the Aldingbourne Neighbourhood Plan (ANP). In addition local residents state that the application is a departure from the Development Plan and that the site no longer benefits from a previous residential approval.

The Development Plan

The development plan for the Arun District currently comprises the Arun District Local Plan (2003) (saved policies), the Aldingbourne Neighbourhood Plan or ANP (October 2016) and the West Sussex Waste and Minerals Plan.

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN2 and GEN3.

Aldingbourne Neighbourhood Development Plan

The Aldingbourne Neighbourhood Development Plan (ANP) was made (adopted) in October 2016 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Map E of the ANP includes a BUAB drawn around the settlement of Westergate. The site is around 245m northeast of the edge of the defined Westergate built up area boundary. The opposite side of Fontwell Avenue is within the parish of Eastergate and this BUAB is closer to the site. However, the site is clearly outside of both BUABs and the application site is therefore classified as countryside.

Notwithstanding the proximity of the Eastergate BUAB, the site falls within the Parish of Aldingbourne and so must be determined with regard to the Aldingbourne Neighbourhood Plan (NP). ANP policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites within the built up area boundary. It is also noted that policy GA1 states that proposals that increase travel demand are to be located in places accessible to public and community transport. However, due to the sustainable location of the site, it is not considered that the proposal is in conflict with this policy.

As set out above, the proposal would conflict with ADLP policies GEN2 and GEN3 and therefore also conflicts with policies EH1 & H6 of the ANP as the proposal would fail to protect countryside in accordance with those policies.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP'); and the main modifications published in January 2018.

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council responded to this document on 22/11/17.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2c for 2300-3000 dwellings between the settlements of Barnham, Eastergate and Westergate. The application site does not form part of this allocation.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the residential side of the proposal is not in accordance with ADLP Policies GEN2 & GEN3 or policies EH1 & H6 of the ANP. As set out below, these policies are all out-of-date and carry limited weight. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot currently demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery. This site was not proposed as part of the HELAA study.

The development plan is neither silent or absent of relevant policies in the determination of the application. However, given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and policies EH1 & H6 of the ANP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated

sites (up to 2011).

It should also be noted that the Inspectors decision for the called-in Inquiry concerning 108 residential dwellings at Burndell Road (Ref APP/C3810/V/16/3158261) stated that policies GEN2 & GEN3 are out of date in that the eALP does not plan for housing beyond 2011, that they pre-date the NPPF and do not seek to establish an Objectively Assessed Need (OAN). Both policies also do not accord with the NPPF in that they protect the countryside for its own sake. The Inspector considered this to be a material consideration weighing against the policy to which was attributed significant weight. In allowing the Burndell Road call-in, the Secretary of State confirmed the Inspectors position that policies GEN2 & GEN3 are out of date and, given that the housing land supply is approximately 2 years, that these policies carry only limited weight.

The ANP was produced based on both the Local Plan (Summer 2013) and the Publication Version of the Local Plan (excluding the spatial portrait, employment and enterprise, housing allocations, transport, monitoring and implementation sections) dated 14 February 2014. This version of the eALP was tested at Examination and subsequently revised into the modified version. Both of these documents predate the version of the eALP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the ANP to protect the countryside, as the context within which the ANP was prepared has significantly changed.

As a result of out of date development plan policies and the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and this states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It is considered that the relevant development plan policies (GEN2, GEN3, EH1 & H6) are out-of-date because of:

- (a) the state of the Councils Housing Land Supply (HLS) at 2.07 years;
- (b) the fact that the Written Ministerial Statement (WMS) on Neighbourhood Planning (12 December 2016) does not apply;
- (c) Paragraph 49 of the NPPF which states that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites"; and
- (d) the recent Burndell Road decision as discussed above.

For decision-taking this means:

- * approving development proposals that accord with the development plan without delay and
- * where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or (ii) specific policies in this Framework indicate development should be restricted"

Therefore it is necessary to apply the tilted balance argument (granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole).

Presumption in favour of Sustainable Development

Regard should also be had to the policies contained in the National Planning Policy Framework (NPPF) which are a material consideration in the determination of this proposal. In the event of conflicts between

policies in the development plans or with Government policy, it is the most recent policy which takes precedence. With this in mind, the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

As set out above, the policies for the protection of the countryside within the development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development. It should be noted that paragraph 7 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.

(1) Environmental Role

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

All of the following distances are measured from the position of the proposed access onto the A29 Fontwell Avenue and then using existing local roads. The actual distance may therefore be slightly greater as the walk from the actual site to the access point is not factored in.

Although part of Fontwell Avenue only has pavement on one side and does not have streetlights, there are residential properties along both sides of the road and it is not considered to be an unsafe or unattractive walking route. The site is also served by two bus stops located only 220m to the south of the site. These are served by Compass Service 85/85A which run between Arundel and Chichester taking in Barnham Railway Station.

The nearest schools would be:

- * Aldingbourne Primary School - 1.7km;
- * Ormiston Six Villages Academy, Westergate - 0.7km; and
- * St Phillip Howard, Catholic School (6th Form), Barnham - 1.8km.

These are all within the 2km distance set out in the IHT guidance.

In terms of employment, it is considered that the following areas are all within around 2km of the site:

- * Barnham Road horticultural enterprises;
- * Barnham;
- * Eastergate;
- * Westergate;
- * Woodgate;
- * Fontwell Racecourse;
- * Fontwell Travelodge; and
- * Eastergate Lane horticultural enterprises.

Eastergate Post Office lies within a walking distance of less than 400m (actually 324m) from the access onto Fontwell Avenue. The following facilities are available in the local area within a walking distance of

between 400m and 1200m from the access onto Fontwell Avenue:

- * Esso Petrol Station (600m);
- * Fontwell Race Course and Pub (1.2km);
- * The Croft Surgery (530m);
- * The Wilkes Head Pub (657m);
- * Basmati Indian Restaurant (752m)

There is a further shop located on Westergate Street almost opposite Ivy Lane but this is 1.3km from the site.

Any other environmental aspects of sustainable development such as trees, ecology, flooding/drainage are considered in detail in the report below but it is concluded that there are no adverse environmental impacts associated with these.

(2) Social Role

It is considered the proposal will support the local community by providing two new houses to help meet future needs. This factor weighs in the scheme's favour.

(3) Economic Role

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- * A small increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

However, the proposal would also result in the loss of 0.1799 hectares of agricultural land graded as 3a ("Very good").

Assessment of Sustainable Development

It is considered that the proposal is clearly environmentally & socially sustainable. The associated economic benefits would also override the loss of the small area of agricultural land (this is discussed elsewhere in this report). The proposal would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of residential development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the ANP to protect countryside (policies EH1 & GA1) are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight.

The proposed development would provide up an additional two houses which are needed in the Arun District. The proposed development should therefore be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment

will now consider other policy considerations and whether this gives rise to any adverse impacts.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions or because the public benefit outweighs the harm in respect of any such issues.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents have been resolved by the above analysis.

DENSITY, DESIGN & CHARACTER:

It is noted that local residents raise objection with regard to the proposed gaps between dwellings and whether they reflect the existing gaps elsewhere on Fontwell Avenue.

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Aldingbourne Neighbourhood Plan (ANP) policies H1 and H3 are both relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

As discussed elsewhere within this report, the site has an extensive planning history which includes the dismissal of an appeal for 5 detached dwellings (AL/106/15/OUT). This was considered to represent an overdevelopment of the site and this argument was made principally on the basis of the narrow gaps between the dwellings. However, regard should also be had to the recent permission for a pair of semi-detached dwellings on the northern third of the site approved by AL/95/13/ (ref AL/121/16/PL) which was granted by the Development Control Committee in February 2017.

It is considered that whilst a 5 detached dwelling scheme across the whole site was considered to be unacceptable, semi-detached dwellings are materially different in form and allow for a new judgement to be made, free of the implications of the previous appeal decision. It may therefore be possible to achieve at least 5 dwellings across the whole site in spite of the previous appeal judgement.

Notwithstanding the precedent for semi-detached houses established by AL/121/16/PL, it should also be noted that there are four semi-detached properties immediately opposite the site on the other side of Fontwell Avenue (Episkopi/Hillcross & Trees/Highlands).

The current proposal provides for good sized gaps between the flanks of the semi-detached building and the boundaries. The gap to the northern boundary will be 4.5m and taking account of the gap between

the permitted dwelling and the shared boundary, the space between the two pairs of semi's will be a total of 6m. To the southern boundary, the gap will be staggered from 3.4m at the rear, rising to 4.4m at the front. There would then be a further distance between the boundary and the nearest dwelling proposed on the site to the south.

These gaps will be in excess of that between the approved dwelling and Westfield House to the north (between 3.5m & 4.5m) and are considered to be appropriate also having regard to properties on the opposite side of Fontwell Avenue (which vary but are in the range of approximately 3m to 6m).

The proposal also retains the same sense of spaciousness to front and rear as per the approved two semi-detached dwelling scheme to the north and also as per the expired three dwelling outline scheme. It is noted that the front building line of the two dwellings is approximately 3m closer to the road than the approved scheme. However, a staggered building line would be appropriate having regard to the position of Oaktrees to the south which has a front building line approximately 4.5m further forward than the fronts of the two dwellings approved by AL/121/16/PL.

The design of the proposed dwellings will be different to the approved dwellings and the semi-detached building will also be narrower (by approximately 1m) and lower (by approximately 0.4m). These subtle differences will add visual interest to the streetscene and are not considered to adversely affect the character or appearance of the immediate area. Proposed materials include tiles and brick and these would be in character with existing dwellings. However, a conditions will be imposed to control the materials used in the build.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP, policies H1 and H3 of the ANP and the guidance on design in the National Planning Policy Framework.

HIGHWAYS & PARKING:

It is noted that local residents raise objection with regard to the potential for an increase in cars entering/exiting the A29 at the same location as a shared access for four existing dwellings, the increased potential for illegal parking of construction vehicles and the insufficiency of off-street residential parking.

Policy GA3 of the ANP states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time."

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 3 spaces per dwelling. The layout only shows 2 cars parked in each plot. However, there is clearly a large amount of hardstanding to the front of each dwelling such that an additional vehicle could be parked whilst still allowing room for a vehicle to turn within the site.

There are no adopted development plan policies which cover highway safety. Instead regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The new access onto the A29 was previously agreed by application AL/95/13/ and West Sussex Highways have not raised any objections to the same access layout on any of the subsequent applications. It is not considered that the slight intensification of the approved access from 3 dwellings on AL/95/13/ to 4 dwellings (AL/121/16 & AL/122/17 combined) is such that there would be a severe

impact on highway safety. It is also recognised that the new application concerning the southern third of the AL/95/13/ site proposes an additional access point onto the A29.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

NOISE:

Arun Local Plan policy GEN32 states that: "Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses." It is also necessary to have regard to policy H7 of the ANP which states that: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

Concerns were raised by Environmental Health Officers in respect of application AL/95/13/ regarding the potential for the new houses to be affected by noise from the A29 to the east and/or the scrapyard to the west. This was considered to be an important issue but not one that would prevent development. Instead, a planning condition was attached to the previous permission to ensure that the new houses were built with measures that will minimise noise impacts and protect future residents. Environmental Health have not been consulted on this application but it is not considered that anything has changed with respect to potential noise pollution and as such, it is recommended that the same condition be applied to this application. As a result there would not be any conflict with policy GEN32 and there would be sufficient mitigation in place to overcome the conflict with policy H7.

AGRICULTURAL LAND:

Map B of the ANP indicates that the site is classified as Grade 3a agricultural land and is therefore "very good". The land could therefore support the growing of crops. ANP Policy EH3 states that:

"Proposals for development on the 'best and most versatile' agricultural land shown on Map B, the latest available Defra Agricultural Land Classification Map, will be resisted unless it can be demonstrated that it would meet the following criteria: (1) It supports the diversification of an agricultural enterprise or other land-based rural business; or (2) The need for the development clearly outweighs the harm"

Policy SO DM1 of the eALP considers soils and states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

Although the agricultural land grade is noted, it is considered that this is a very small area of land (less than 2 hectares) and would not therefore be suitable for the growing of crops. It is considered that agricultural technology has changed and arable farming has grown to become larger in scale with an emphasis on large tracts of land as opposed to collections of individual fields. Furthermore, the site is flanked by houses and shares an access with a site being developed with houses. Access by farm vehicles could create a conflict with residential vehicles. Finally, it is considered that the land may be contaminated as a result of the scrapyard to the rear. Indeed, Environmental Health comments on application AL/95/13/ considered this and recommended planning conditions to require the investigation and remediation of any contamination.

It is considered that although the benefits of the proposal are only small (2 dwellings), that given the above factors, there is no realistic possibility of the land being used for agricultural crops in the future and

therefore it would not be possible to sustain a refusal based on policies EH3 and SO DM1.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the ANP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Given the position of the dwellings in the centre of the previous outline approved site, the only residential amenity issues that could occur would be in respect of new dwellings to either side. The rear building line is to be the same as the approved dwellings to the north and therefore there will be no loss of light impacts to the rear windows of the proposed dwelling to the north. Bathroom windows proposed in the flank elevations will be obscure glazed and as the same obscure glazing restrictions were imposed on application AL/121/16/PL, there will be no overlooking between neighbouring flank bathroom windows.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP and the guidance on residential amenity within the National Planning Policy Framework.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard).

The proposal is for 2, four bedroom, 8 person dwellings and the required internal floor area for each is therefore 124m². However, each dwelling has an internal floor area of 169m² and therefore complies with the standard.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging Local Plan (January Consultation Version) which has been approved by the Council for development management purposes. It should also be noted that policy H8 of the ANP states that "all new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area."

Policy D DM3 sets out a requirement that gardens should be at least 10m deep. This is in part to achieve a back-to-back interface distance of 20m but also to provide a usable space. This part of the standard could be relaxed if a garden was say 10m wide and/or if there was no/were no potential for there to be a dwelling to the rear. The policy also sets out a garden area requirement of 100m². The proposed plots have rear gardens at least 39m deep and with areas in excess of 400m². These therefore comply with policies D DM3 and H8.

TREES:

ANP policy EH6 seeks to protect trees and hedgerows. It states that: "Development that damages or results in the loss of trees of arboricultural and amenity value or loss of hedgerows and/or priority habitat, or which significantly damages ecological networks will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss."

In order to create the necessary visibility splays agreed with WSCC Highways, the developers may need to prune back some of the remaining trees located along the site frontage. This action is necessary in the interests of highway safety. The remaining trees are not considered to be worthy of protection and

no objections were made to the need to prune on any of the previous applications. The current application will be required to provide replacement tree planting and landscaping and this would be dealt with by planning condition.

FLOODING & DRAINAGE:

Arun Local Plan policy GEN9 states that:

"Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate."

In addition, policy EH5 of the ANP states that:

"New development, within areas at risk from flooding, will not be permitted unless it is supported by a site-specific Flood Risk Assessment which provides clear evidence to demonstrate that the proposal:

- a). Would not give rise to additional risk of flooding, either to the development site or to other land, arising from the carrying out or use of the development; and
- b). Would make appropriate provision for accommodating the surface water and foul water arising from the development."

The site was previously (on earlier applications) shown to be part located within Flood Zone 2 and part Flood Zone 1. However, the flood mapping has been revised such that the whole site is now shown to be within Flood Zone 1. As this is the low risk zone, it is not considered that there is a need to impose any remediation/flood safety measures on the permission.

The Council's Drainage Engineer does not consider the size of the dwellings to be detrimental to surface water management and a condition is proposed to require details of the surface water management scheme to be agreed. The application is therefore considered to comply with the relevant development plan policies.

SUMMARY:

The application site is outside the defined built-up area boundaries of Westergate and is therefore contrary to policies GEN2 & GEN3 of the ADLP and policies EH1 & H6 of the ANP which seek to protect the countryside from non-related development. However, as set out above, these policies are out-of-date and are considered to carry limited weight.

The site is considered to be sustainable development and when applying the 'tilted balance' in paragraph 14 of the NPPF, there are no adverse impacts which would significantly or demonstrably outweigh the benefits. Significant weight must therefore be given to the provision of additional houses in the district and the lack of harm associated with this proposal. It is acknowledged that there will be a loss of high quality agricultural land but for the reasons set out above, this is not considered harmful enough to warrant taking a different decision.

The proposed development is therefore on balance acceptable in terms of the development plan when taken as a whole and is recommended for approval together with the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

"Location Plan, Block Plan" Drawing No. BP/LP Rev C;
"Block Plan" Drawing No. BP/LP Rev C;
"Proposed Dwelling Layouts" Drawing No. X01A Rev A;
"Proposed Dwelling Elevations" Drawing No. X02A Rev A; and
"Street Scene & Boundary Fences" Drawing No. SS01 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with both Highways England and West Sussex County Council). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be

restricted to the following matters;

- * the anticipated number, frequency and types of vehicles used during construction,
- * the parking of vehicles by site operatives and visitors,
- * the loading and unloading of plant, materials and waste,
- * the storage of plant and materials used in construction of the development,
- * the erection and maintenance of security hoarding,
- * the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No part of the development shall be first commenced until such time as the vehicular access including the internal road to the development site serving the development has been constructed in accordance with the approved drawing Ref SP01 Rev A. The access shall be permanently retained thereafter as per the approved details.

Reason: To secure satisfactory standards of access for the proposed development in accordance with Policy GEN7 of the Arun District Local Plan and paragraphs 32 & 35 of the NPPF. This is required to be a pre-commencement condition because it is necessary to have the access road in place prior to access by construction traffic.

- 7 No part of the development shall be first occupied until visibility splays of 2.4m x 70m to the north and 2.4m x 59m to the south have been provided at the proposed site vehicular access onto the A29 Fontwell Avenue in accordance with the approved planning drawing BP/LP Rev C. Once provided, the splays shall thereafter be maintained in perpetuity and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level or as otherwise agreed.

Reason: To secure satisfactory standards of highway safety in accordance with Policy GEN7 of the Arun District Local Plan and paragraphs 32 & 35 of the National Planning Policy Framework.

- 8 No part of the development shall be first occupied until vehicle parking and turning spaces have been constructed in accordance with approved drawing BP/LP Rev C. The parking spaces and turning areas shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policies GEN7 & GEN12 of the Arun District Local Plan and paragraphs 32 & 35 of the NPPF.

- 9 Details for the secure storage of bicycles within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and paragraphs 32 & 35 of the National Planning Policy Framework.

- 10 Details for the storage of domestic rubbish and recycling within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of either of the two dwellings of development. The provision shall then be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 11 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policies GEN7 and GEN31.

- 12 No development or new tree planting should be located within 3 metres of either side of the centreline of the public sewer which crosses the eastern (front) part of the site and all existing sewer infrastructure shall be protected during the course of construction works.

Reason: In the interests of protecting the existing public sewer and in accordance with Arun District Local Plan policies GEN7 and GEN9.

- 13 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval

from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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 District Plan policy GEN7.

- 14 The two first floor bathroom windows shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank walls of the new dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 16 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.

- 17 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 18 INFORMATIVE: Drainage Engineers advise that 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 BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 19 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105).

- 20 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological

consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.