

## REPORT UPDATE

Application No: AL/129/21/OUT

### Reason for the Update / Changes

Reason for Update/Changes:

#### NATURAL ENGLAND

Natural England have responded to the Council's consultation request on its Appropriate Assessment to state that:

"Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. This is providing that all mitigation measures are appropriately secured in any planning permission given. These measures include a sensitive lighting scheme across the site, protection and enhancement of existing hedgerows with native species attractive to bats, provision of dark corridors and incorporating integral bat roosting opportunities into new buildings."

Therefore this outstanding matter has been resolved.

#### OFF-SITE HIGHWAY WORKS

The applicant has advised that not all of the off-site works are within the red edge and therefore an additional condition has been agreed to require that these works be secured by a s278 agreement. The new condition is numbered 28 on the attached replacement recommendation sheet.

#### ADDITIONAL REPRESENTATION

The owner of The Paddock, Lidsey Road has written in to state that the site area includes land within his ownership and that the applicant has not discussed this with him. This matter has already been discussed briefly within the "Officers Comments on Reps" section of the report.

However, officers can advise further that we have seen copies of the Land Registry title plans for both the applicant's ownership and that of the Paddock and these demonstrate that the red edge is correct and appear to suggest that part of the garden of the Paddock is within the applicant's ownership. We only require applicants to serve notice on owners of land affected by the application and the way that this would be checked, should there be a dispute, would be via the Land Registry records which we have seen.

Members will note that land ownership is not a material planning consideration. We cannot refuse an application on the basis of an ownership dispute and this would instead need to be resolved with the owner and through solicitors if necessary. The owner of the Paddock has been advised of this and has been given the details of the planning agent to discuss this with.

**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/129/21/OUT                                                                                                                                                                                                                                                                                     |
| LOCATION: | Land adjacent to Woodgate Nurseries<br>Lidsey Road<br>Aldingbourne<br>PO20 3SU                                                                                                                                                                                                                    |
| PROPOSAL: | Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan. |

| SITE AND SURROUNDINGS           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| DESCRIPTION OF APPLICATION      | <p>Although layout is a reserved matter, an indicative layout has been provided which shows areas of new homes and an area of open space centrally sited in the southern part of the site. The application proposes a single access from Lidsey Road in the southern half of the site with a ghost island in the carriageway to facilitate right turn waiting. The resultant Lidsey Road carriageway lanes will each be 3.25m wide.</p> <p>The access will be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bell mouth arrangement with 15m radii. Visibility splays of 2.4m by 160m. It is proposed to provide new footway along Lidsey Road between the new access and the existing footway outside April Cottage to the north. This will be 2m wide by around 125m long and will include new dropped kerbs onto Lidsey Road to allow transition for cyclists from road to footway (&amp; vice versa) plus tactile paved crossing points of the access and the existing driveway access to Woodgate House.</p> <p>The illustrative layout suggests a secondary pedestrian access in the north-eastern corner of the site onto the new footway. The existing access serving Woodgate House, Stockhearn Nursery and associated dwellings will be retained and the site layout road would cross it to the west of Woodgate House. All other existing field gate accesses would be stopped up. Internally, there would be 2m wide footways and shared surface drives at the end of some cul-de-sac spurs.</p> |
| SITE AREA                       | <p>The site area as stated on the application form is 3.53 hectares, but this does not include the extent of the red edge within the highway boundary.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| RESIDENTIAL DEVELOPMENT DENSITY | <p>Up to 26.9 dwellings per hectare.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| TOPOGRAPHY                      | <p>There is a difference in levels between the northwestern</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

corner at approx. 9.5m above Ordnance Datum (AOD) compared to the southeastern corner (8.6m AOD) although this change in levels is over a distance of 320m and so the site appears predominantly flat.

#### TREES

There are trees/hedgerow to the eastern, southern and part northern/western boundaries. There are several trees in and around Woodgate House (excluded from the site area) and extending into the site from a point due south of Woodgate House. The application proposes to remove several small low value/non-native trees forming part of self-seeded/un-managed hedgerows in the site comprising Cypress trees and a Western Red Cedar. These are (a) on the site frontage, (b) in a row extending west from the former, (c) on the majority of the northern boundary and (d) along the western boundary. A Tree Preservation Order (TPO/AL/7/22) has been imposed to protect 9 Pedunculate Oak and 1 Ash on site.

#### BOUNDARY TREATMENT

Mix of hedging and low timber/wire fencing. Higher timber fencing to the southern aspect of Woodgate House and hedges to its other boundaries. Some properties bordering the site have open boundaries.

#### SITE CHARACTERISTICS

The site comprises two agricultural fields separated by a row of trees. One of the fields is split by a private access road serving Woodgate House, a large horticultural nursery to the west (Stockhearn Nursery) and associated dwellings. There is a ditch system along part of the front and extending into the site in two locations.

#### CHARACTER OF LOCALITY

The north part of the site (north of the private drive) is semi-rural due to it having houses to the north/east and a large nursery site to the west. The land south of the private drive is more rural as it borders open fields and the surrounding landscape is agricultural fields, with relatively few residential properties. Surrounding houses are predominantly one or one and a half storeys but Woodgate House and Stockhearn House (the latter being opposite the very northern boundary) are two storey exceptions.

### RELEVANT SITE HISTORY

AL/104/21/ESO

Request for screening opinion for a proposed development of up to 95 dwellings

ES Not Required  
02-09-21

AL/104/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in September 2021 that an EIA would not be required. Prior to this, pre-application advice was given in August 2021 for a scheme of around 85 dwellings and concluded that:

"The proposal despite being outside of the BUAB, is sustainably located as it lies on the southern edge of Aldingbourne and it will be possible for residents to use non-car means of transport to access schools,

pubs, shops and other services. This is reliant on footway being provided on the site frontage to enable pedestrians to walk from the site to the north.

Whilst the private car could be required for longer distances, residents would not need to rely on a car for local journeys. Recent applications (BN/50/20/PL and AL/20/21/PL) have included measures in their Travel Plans to provide future residents with Travel Information Packs, cycle vouchers and other benefits to encourage alternative means of transport. You should consider doing the same.

The proposal results in economic and social benefits but you should seek to quantify these through an application submission. We will need to consider any environmental, social or economic harms such as disturbance to wildlife, loss of agricultural land and any increase in air pollution. It is not possible at this time to say for certain whether the proposal meets the definition of Sustainable Development. It may not be necessary to apply the NPPF presumption in favour of sustainable development as subject to meeting the 7 criteria in ANDP policy EH1, you may be in accordance with the most recent policies of the development plan despite the site being outside the BUAB."

## REPRESENTATIONS

Aldingbourne Parish Council provided a 7 page objection letter available to view on the website but their main points are:

- Required infrastructure must be secured through s106;
- Countryside development in conflict with the Development Plan;
- No evidence of how these homes will meet the local housing needs of the Parish;
- 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;
- Harm to landscape & character as this site is more closely related to open countryside than the built up areas to the north and east;
- Harm to dark skies from lighting associated with the amount of residential development;
- The layout is contrary to the Design Guide;
- Concerns with the nature and extent of ecological survey work including in respect to bats;
- Loss of important agricultural land;
- Unclear how the site access will relate to the BEW proposals or how cycling will be accommodated;
- No precedent from applications AL/20/21/PL, AL/32/19/OUT or BE/63/17/OUT; and
- The applicant has not engaged with the Aldingbourne, Barnham and Eastergate Community Land Trust (ABE CLT) regarding the affordable housing provision.

8 resident objections raising the following concerns:

- The site has been incorrectly addressed and so is invalid;
- The site area is incorrect and therefore the incorrect fee has been paid;
- The site area infringes on garden of the Paddock;
- Countryside location;
- No need for new houses in Aldingbourne;
- Loss of agricultural land & impact on food production;
- The site owner owns previously developed sites nearby and these should be considered first;
- Infrequent local bus service;
- No footway at the site;
- Inadequate road network;
- Road safety due to location on a bend;

- The A27 contribution will not help Woodgate;
- It is unacceptable to only seek approval of access;
- Inadequate parking;
- Impact of new development on water pressure;
- Inadequate infrastructure;
- Overlooking;
- Noise & light pollution;
- Air pollution to the site from the nearby former landfill site;
- Groundwater flood risk;
- Flood risk from the ditch along the frontage;
- Proposed foul drainage is inadequate and against the regulations as passes under existing homes;
- Impact on local house prices;
- Harm to protected species including bats, birds, badgers, hedgehogs, snakes & slow worms;
- Loss of trees including from the visibility splay requirements;
- Several trees removed in March 2021;
- Inadequate archaeological assessment;
- Contrary to the application form, the site is contaminated as there is Japanese Knotweed;
- Statements from Government ministers suggest these types of development should be stopped.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council and objectors are noted, and the majority of the objections are considered in the conclusions section with the exception of the following:

- Only affordable housing and infrastructure in the site red edge can be secured by s106 as otherwise there would be conflict with CIL;
- The Councils HLS is below 3 years so the ANDP does not benefit from the weight given to recently made plans by para 14 of the NPPF;
- The layout is not being determined at this time, neither is the parking provision;
- A plan within the Transport Technical Note, December 2021 showing site access works in relation to the proposed BEW access & roundabout demonstrates the two are compatible;
- WSCC Highways requested the footpath link proposed to the north-east corner is sufficiently wide to cater for cyclists, and that entry/exit points either side of Lidsey Road be provided to assist with users entering and leaving the carriageway of the A29 and getting in and out of the site. These matters will be resolved at reserved matters stage or through a s278 highways agreement;
- 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.
- It is accepted that the site is adjacent to Stockhearn Nurseries. The address given does not make the application invalid;
- Whether the fee is correct or not does not render the application invalid;
- The applicant provided copies of title deed plans for the ownership of the site and of The Paddock and these confirm that the red edge is correct;
- The applicant is not the site owner;
- Footway has been proposed to link the access to the existing pavement;
- The purpose of the National Highways contribution is to mitigate the impact of new development on the strategic road network;
- An outline application solely with access is an acceptable and widely used form of application;
- Water pressure is not covered by planning policy;
- The impact of development on house prices is not capable of being a material planning consideration;
- Trees were removed before the Council were aware of the proposal and before the Tree Officer had assessed the site. There was no breach of planning;
- Presence of invasive weed does not mean a site is contaminated for the purpose of the form.

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|---------------|
| CONSULTATIONS |
|---------------|

**CONSULTATION RESPONSES RECEIVED:**

**NATIONAL HIGHWAYS** - no objection provided the development secures £48,980.10 towards the required amendments to the Arun Local Plan A27 mitigation scheme. Should the Council require a Construction Management Plan (CMP) as part of a permission granted for this proposal, then request the CMP state construction traffic will seek to avoid using the SRN during network peak hours of 08:00-09:00 and 17:00-18:00 and any loose loads on vehicles using the SRN will be adequately sheeted.

**NATURAL ENGLAND** - stated 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.

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

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

- Surface water mapping shows site is at low risk from surface water flooding, but this risk is based on modelled data and should not be taken as meaning the site will/will not definitely flood in these events;
- The area of development is shown to be at high risk from groundwater flooding based on current mapping, but this is modelled data only and should not be taken as meaning the site will/will not suffer groundwater flooding;
- A watercourse runs along the western boundary of 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 new fire hydrants.

**WSCC HIGHWAYS** - Initially requested further information in the form of a formal design check of the highway works including cycle access works, an additional road safety audit for the requested cycle infrastructure & extended footway along Lidsey Road, consideration of WSCC comments on the submitted RSA, a plan to show how the access interacts with the proposed BEW junction arrangements, a plan to show interaction with the accesses to the properties on the eastern side of Lidsey Road and a response to the comments on the Travel Plan.

There has since been significant and lengthy negotiation between WSCC and the applicant with the result that WSCC Highways are now satisfied that all the outstanding highway related matters have now been addressed. Conditions are requested to secure car parking, electric vehicle charging spaces, cycle parking, site roads and a construction management plan. In addition, it is requested that the s106 secure a Travel Plan and associated monitoring fee. The highway access works & off-site works should also be secured by condition or s106 as appropriate.

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

- Groundwater on the site has been observed to be high, peaking at 0.1m below ground level;
- This rules out infiltration as a means of surface water disposal;
- The surface water drainage strategy is to attenuate water in a basin in the centre of the site before

discharging it at a restricted rate to one of the bordering watercourses;

- Water will be treated and conveyed via a mix of permeable paving, filter strips and swales as well as conventional pipes; and
- The attenuation basin should be separate to the total public open space requirement.

ADC ENVIRONMENTAL HEALTH - no objection subject to consideration of air quality and conditions re contamination, noise, electric vehicle charging, construction management and construction hours. Due to the potential for activities to resume at the adjacent Nursery, there could be noise pollution to new dwellings therefore requests that a 1.8m acoustic fence is installed along the western boundary of the development site and the northern boundary of the northern most plot.

ADC TREE OFFICER - no objection subject to conditions:

- Established oaks on/around the site are important constituents of the local landscape and can provide visual amenity/mature outlook to a scheme. They must be afforded sufficient room to allow future growth;
- A considerable number of long-established roadside trees were felled prior to the application, to create a gap for the preferred point of access. These can be compensated by replacement planting;
- Extensive lower value tree groups are to be removed - G63, G65, G74 & G75. While this might create an opportunity for landscape and biodiversity improvements, a notable loss of visual screening (G65) and wildlife corridor connectivity will be incurred;
- The future layout should respect important trees with 2m+ buffer zones to Root Protection Areas;
- A sympathetic/high-quality development is achievable without undue detriment to retained on and off-site trees; and
- No additional negative (arboricultural) impact arising from construction of the main access and provision of vehicle sightlines.

ADC LANDSCAPE OFFICER - no objection subject to a landscape scheme and provision of on-site play/open space. At reserved matters stage, the play area should be moved away from the attenuation pond or it must be safety checked. The design of the site will need to promote a high-quality development that respects, maintains and enhances local landscape character. All nature conservation features in the site including existing habitats, trees, hedges, watercourses and other features should be incorporated into site design and protected from change. Existing green vegetation is evident along boundaries and further enhancement and improvement would be required. The SPD requires 7,838m<sup>2</sup> as a minimum of well connected, usable, quality POS provision. On site Local Areas for Play (LAP) and Local Equipped Area of Play (LEAP) provision will be required.

ADC AFFORDABLE HOUSING - no objection subject to a s106 legal agreement to secure 29 affordable dwellings comprising 19 x rented, 7 x First Homes and 3 x intermediate.

COUNCILS ECOLOGIST - initially had concerns surrounding impacts to Slindon Barbastelles and light sensitive (Myotis sp), rare & threatened bat species identified during surveys. A buffer or 'dark corridor' is proposed to protect trees & hedgerows on the margins of the site from light spill. Recommend this be 5m or more and be referred to in a bat mitigation strategy to be submitted before determination of the outline permission. Concerns with the reptile surveys as 5 out of 7 were conducted during suboptimal weather and deviated from best practice guidelines. This affects the accuracy/reliability of surveys. Requested a proposed reptile receptor site & method statement be submitted prior to the determination of the outline to ensure that reptiles will not be harmed. No concerns with mitigation and enhancements for nesting/overwintering birds. Proposed enhancements are a welcome addition to the scheme and should be included on finalised landscape plans at reserved matters stage.

COUNCILS ARCHAEOLOGIST - agrees with conclusions of the desk-based assessment study with regard to archaeological potential, likely impact of development on anything of interest that it might

contain and procedure to mitigate this. No objection subject to a condition to secure an archaeological investigation.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section except as discussed below:

NATIONAL HIGHWAYS - concerns were raised on AL/113/21/OUT in respect of the vagueness of the "A27 Local Plan mitigation scheme" project and on that application, it was agreed with National Highways to have the contribution go towards mitigation measures between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout. This project will be used in the s106 for this application.

NATURAL ENGLAND - given the location of the site in 12km of the Singleton & Cocking Tunnels SAC, an Appropriate Assessment was prepared and issued on the 8th February to Natural England for review. They have not yet responded. Any response will then be reported to the Planning Committee.

WSCC HIGHWAYS - The red edge extends onto the carriageway in both directions and is likely to cover most if not all of the off-site highway improvements but it is not clear and the applicant has been asked to confirm this. Subject to this, it will either be necessary to add a further condition or incorporate the works in the s106 and members will be updated of the position at or before the meeting.

COUNCILS ECOLOGIST - following submission of a Lighting and Reptile Strategy Addendum stated that they are satisfied that the scheme is acceptable in terms of impacts of lighting and impacts on reptiles. Recommend conditions to secure the proposed mitigations.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary (BUAB);  
 Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);  
 Grade 2 Agricultural Land;  
 Current & Future Flood Zone 1;  
 Tree Preservation Order (TPO/AL/7/22);  
 Lidsey Treatment Area; and  
 Archaeological Notification Area.

## 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                    |

[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 EH10 'Unlit Village' status

Aldingbourne Neighbourhood Plan 2019-31 Policy EH12 Protection of bat habitats

Aldingbourne Neighbourhood Plan 2019-31 Policy EE8 Communications infrastructure

Aldingbourne Neighbourhood Plan 2019-31 Policy GA1 Promoting sustainable movement

Aldingbourne Neighbourhood Plan 2019-31 Policy GA2 Footpath and cycle path network

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

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 Arun Local Plan in that it would result in development outside of the defined settlement boundary and the loss of grade 2 agricultural land. There are conflicts with the specific requirements of Arun Local Plan policies SO DM1 & W DM1 and with the Neighbourhood Plan in respect of the loss of agricultural land and the lack of evidence about local housing need.

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 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 published its Authority Monitoring Report (AMR) for 2020/21 and this shows the Housing Land Supply (HLS) decreased from 3.3 years to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including the very recent appeal concerning Land South of Barnham Station.

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 ANDP.

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 this document. The Local Plan is to be subject to a formal review. The ANDP has been reviewed and 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 defined by the ALP and so provides an opportunity for development outside the BUAB provided it meets various criteria as follows:

- (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 contributes 9.5% towards the annual housing requirements and is clearly proportionate to current housing supply shortfall defined by the ALP. It is unclear from the submission how this proposal will meet specific needs of Aldingbourne particularly as according to ANDP policy H1 2019, the Parish has exceeded its allocation by 48 units. Albeit that it would first be necessary to secure a reserved matters consent, the applicant has stated that the site is deliverable in the short term.

(ii) A Landscape Visual Impact Assessment (LVIA) has been submitted. This states the site has capacity to accommodate and integrate, overtime, residential development of the scale and nature envisaged without significant adverse effects in landscape and visual terms. The Councils 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 integrated with existing development and is of a density appropriate to the location.

(iv) An Appropriate Assessment has been prepared which concludes that subject to conditions being imposed, there will be no adverse effect on the integrity of the Singleton and Cocking Tunnels SAC. This is being reviewed by Natural England.

(v) This report concludes although the site will be car reliant, when considering the NPPF as a whole, it is a sustainable site. The site is very close to the committed Wings site, diagonally opposite to the committed Land North of Lees Yard site and in part opposite to the edge of the BEW strategic allocation (which are both also part of the BUAB).

(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 but otherwise the proposal complies with the policy requirements.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This states where there are no relevant Development Plan policies, or the policies which are most

important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

#### Other Material Considerations

In January 2022 the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy, but it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. The IHS applies to sites adjacent to settlement boundaries and this site is adjacent (opposite to) two different areas of BUAB. The IHS sets out criteria to help speed up determinations of suitable residential developments. The applicant states the proposals meets all but one of the criteria (the exception being the site is not within the BUAB) and so scores very highly against the criteria.

#### 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.

The proposal, despite being outside the BUAB, is sustainably located as it lies on the southern edge of Aldingbourne and it will be possible for residents to use non-car means of transport to access schools, pubs, shops and other services. The proposed 125m long footway on Lidsey Road will enable residents to walk safely to access services/facilities to the north including the bus stops outside the Wings site. The submitted Design and Access Statement has maps showing the proximity of nearby facilities. The addition of the footway will benefit existing residents in this location.

It is relevant to note the site entrance will be not far to the north of the proposed A29 roundabout and entrance to BEW so that residents will in the future be able to access facilities and services in Barnham by heading east through BEW. Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys and although 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 and bus/rail travel.

The development will result in the felling of some trees whilst some have been removed already but the most important ones have been protected and the developer will be required to replace trees lost on a 2:1 basis. The application suggests dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. In addition, electric vehicle charging points, superfast broadband, the proposed footway, cycle storage and the Travel Plan will help to minimise the need to travel and thus reduce travel emissions.

The proposal will include 29 Affordable Dwellings and up to 95 new 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.

The application states the development will be delivered by a locally based developer (although it is not possible to ensure this by condition) and will result in the creation of jobs and wages during the construction phase whilst contributing to the overall long-term prosperity of residents and businesses in the District of Arun in perpetuity. The development will result in additional Council Tax revenues & potential new homes bonus payments whilst CIL receipts (to be determined at reserved matters stage) could be used to contribute towards local infrastructure. In addition, the development will contribute financially to improvements on the A27.

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.

Notwithstanding the loss of agricultural land, the proposal does meet the economic, social and environmental aspects of sustainable development and 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 conflicts 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 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 under paragraph 11 (d).

#### AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification and Soil Resources Report (ALC) which concludes that 2.6ha of the site is in Grade 2 (very good quality) but that the division of the site into three well-defined field parcels affects the efficiency of farming operations. The ALC recommends that the soils be protected and reused. The application documents do not comment on recent agricultural activities at the site but the photographic evidence suggests the fields have been used very recently for arable crops and there would be potential for such activities to continue. The Ecology Assessment states that wheat and barley were growing in the fields in August 2020.

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.

Although this land is (or has until very recently been) used for crops, the Councils housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need. The three separate field nature of the site is a potential constraint to continued agricultural viability as larger tracts of land are preferred in the interests of efficiency. On balance, the housing land supply need does serve to outweigh the loss of the grade 2 agricultural land.

Policy SO DM1 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. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan. Whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. A condition can be imposed to secure a Soil Resource Plan to protect and secure reuse of the important soils.

#### 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 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 Lidsey Road which will be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bellmouth arrangement with 15m radii & visibility splays of 2.4m by 160m. It is proposed to provide footway along Lidsey Road between the new access and the existing footway outside April Cottage to the north. This will be 2m wide by around 125m long. The illustrative layout suggests a secondary pedestrian access in the northeastern corner onto the new footway.

The existing access serving Woodgate House, Stockhearn Nursery and associated dwellings will be

retained and the site layout road would cross it to the west of Woodgate House. All other existing field gate accesses would be stopped up. The comments of WSCC Highways are set out in full on the Councils website (responses dated 30/11/21 & 08/04/22) 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, size of the houses or the exact form of parking spaces, it is not appropriate to consider parking provision at this time. Compliance with the Arun Parking Standards SPD will be considered at 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.

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF. There is also support from ANDP policy GA2 in terms of the new footway.

#### 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 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 but 15-25 for detached/semi-detached houses and 20-30 for terraced houses in the 6 village areas. The Design Guide states the density should 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 density is 26.9 dwellings per hectare.

This site whilst in the rural area is closely related to the settlement boundary and so a density reflecting that given for the 6 villages areas would be appropriate. The density for the Wings site to the north was slightly higher at 27.9 and that this site benefits from screening along its frontage (particularly the northern parts of the site) enabling large parts of the development to be hidden from view (unlike Wings). It is material that permission is applied for up to 95 dwellings and the Local Planning Authority would be able to seek a lower number at reserved matters stage following assessment versus detailed design policies.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. The illustrative masterplan suggests the site layout will ensure a landscaped soft edge to existing boundaries with rural land (west & south) and to the road. The layout suggests the open space area will be integrated with the proposed houses and will benefit from natural surveillance.

There will be a visual change to the character of Lidsey Road in this edge of settlement rural location. The existing/proposed tree screening along Lidsey Road will mitigate this to an extent. The submitted LVIA states that:

- the site has a high/moderate capacity for housing development based on its location on a weak settlement boundary, lack of positive contribution to key features and very limited visibility;
- the existing vegetation framework provides a sound basis for improvement and enhancement that will benefit both the settlement approach, provide an attractive setting and improve connectivity and longevity of key landscape features and habitat;
- the development will square off the existing irregular settlement boundary along this section;

- there are no impacts to any sensitive landscape designations;
- visual impacts from public receptors are considered to be minor with the exception of a very short section of the A29 along the eastern boundary but this will reduce as the proposed boundary treatments mature; and
- overall the site has capacity to accommodate and integrate, overtime, residential development of the scale and nature envisaged without significant adverse effects in landscape and visual terms.

The Councils Landscape Officer has not raised objections in terms of landscape character. Although the proposal will result in a change to the character of the area, over time, this will reduce due to proposed boundary enhancement and in any case this impact is outweighed by the benefits of the proposal including the contribution to the HLS shortfall. The proposal is acceptable in respect to density, landscape and character and there is no conflict with the relevant policies.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. LP 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.

It is appropriate to ensure the development can be finalised without giving rise to any harm to existing residential properties. The layout suggests there may be situations where the Councils interface distances cannot be achieved or where overlooking may occur such as the areas adjacent to existing dwellings (The Paddock & April in the northern part). As the development is for up to 95 dwellings and as layout is not being agreed, these issues can be resolved at reserved matters stage. The location of vehicle/pedestrian accesses will not give rise to disturbance to existing residents.

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 and footway improvements will allow persons to safely walk out of the site and north towards nearby services and facilities. Residents can cycle on Lidsey Road to reach destinations to the north and south. Electric vehicle charging points, cycle storage and travel vouchers will promote the use of non-car means of travel and so potentially reduce vehicle emissions. The Air Quality Assessment (AQA) concludes increases in pollution concentrations as a result of scheme generated traffic are not expected to have a significant impact on local air quality. The Environmental Health Officer (EHO) raises no concerns.

In respect of the potential for odour pollution from the nearby Landfill site, it should be noted that the application site is not within 250m of the permitted waste site and this distance is used to determine whether consultation with WSCC Waste & Minerals is required and whether a contamination condition is necessary from the point of view of Environmental Health.

The AQA only considers the impacts of the proposal on air quality not impacts on future dwellings from external sources. However, the Councils EHO raised no concerns about odour and since the application was presented to the Committee, consultation with the Environment Agency (EA) and with WSCC

Minerals and Waste has taken place. WSCC Waste and Minerals state:

"Given the landfill site would have been approved to an appropriate standard with regard to emissions and landscape/amenity impact, do not anticipate any immediate impacts upon receptors outside of the consultation area, and the removal of the north eastern corner of the landfill may further reduce any external impacts from the site if there are indeed any"

and:

"subject to comments made by your EHO and the EA with regard to emissions statements, you should be satisfied that .. the new development would not prevent or prejudice the existing waste use. Given this can be adequately demonstrated, the MWPA would offer no objections to the proposed development."

The EA have advised that the application falls outside their statutory external consultation checklist and so they have no comments. As stated above, the Council's EHO did not initially raise any objections however following subsequent consultation they have proposed a contamination condition to investigate the potential for landfill gases leaching from the site and this additional condition has been agreed with the applicant.

Policy QE DM1 states that residential development likely to experience road noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The application is accompanied by a Noise Assessment which recommends acoustically rated windows and ventilation to habitable rooms. It concludes that with these mitigations, noise in habitable rooms would be appropriate and that daytime external noise levels will be lower than acceptable levels. The EHO requested particular consideration of the horticultural premises to the west and requested that an acoustic fence be placed on the western boundary of the site and the northern boundary of the northernmost plot to protect against any future noise from the horticultural premises.

ALP policy QE DM2 states outdoor lighting should not have an 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.

The Design and Access Statement states lighting should be reserved to a condition, but states detailed design will ensure light levels provide the minimum glare and spillage without compromising security and effectiveness. It is agreed lighting can be reserved to a condition and this will ensure that lighting is designed to be sensitive to bats/other wildlife using site boundaries. The EHO raises no concerns.

Therefore, there are no conflicts with the relevant policies.

#### CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The submitted Preliminary Ground Contamination Risk Assessment states the site has comprised agricultural fields since the earliest mapping in 1874 and no development has taken place since that time. It concludes there are no potential pollutant linkages with regard to either proposed end users of the site or controlled waters.

Environmental Health raised no objections subject to a standard unexpected contamination condition and a further condition in respect of landfill gases (see above). With these conditions in place, remediation can be secured should any contamination be discovered and as such the proposal will be in accordance with the policy.

#### TREES:

ALP policy ENV DM4 states 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 application proposes to remove several small low value/non-native trees forming part of self-seeded/un-managed hedgerows within the site comprising of Cypress trees and a single Western Red Cedar. These are (a) on the site frontage, (b) within a row extending west from the former, (c) on the majority of the northern boundary and (d) along the western boundary. A TPO is in place to protect 9 Pedunculate Oak and 1 Ash tree in the site boundaries. Three of these are on the Lidsey Road frontage, three on the southern boundary, three on the western boundary and 1 on the northern boundary. None are proposed to be removed.

The Tree Officer raises no objection at this outline stage. A considerable number of long-established roadside trees were felled prior to the planning application to create a new gap for the preferred point of access but the Tree Officer considers that these can be compensated by replacement planting.

Landscaping will be considered at the reserved matters stage and the Council will require two trees are planted for each one lost and require that new hedgerow is planted to replaced that lost. This is included in a condition. It is clear 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 limited harm in respect of the lost trees and there is no conflict with the relevant policies.

#### BIODIVERSITY:

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.

Just under half of the site lies in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 2019 states proposals for development of greenfield sites in this area 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) and a Lighting and Reptile strategy addendum report. The EIA found evidence of reptiles, foraging & commuting bats and breeding & overwintering bird species. The Councils ecologist initially had concerns regarding reptiles and lighting impacts on bats but following the submission of a reptile and lighting addendum report state that the mitigation measures are appropriate, and can be conditioned. These measures include a sensitive lighting plan to include dark corridors on the western and southern boundaries and these areas will also benefit a small population of slow worms.

The survey evidence in respect of bats was limited to four species (common pipistrelle, soprano pipistrelle, brown long-eared bat and barbastelle) and activity was low during each survey and was concentrated along linear features such as trees and hedgerows around the field boundaries. The EIA concluded that as the activity surveys did not reveal use of the site by large numbers of foraging bats, these impacts before mitigation were significant at no more than the local level.

The Council prepared an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concluded there would not be any adverse effects on The Singleton & Cocking Tunnels SAC due to provision of suitable avoidance and mitigation measures. Natural England have been requested to review the AA and their comments (if any) will be reported to members at the Meeting. On this basis, there is no conflict with ANDP policy EH12 2019.

The proposal results in the loss of some or all of five tree groups some of which form a hedgerow running along the southern side of the proposed access. The hedgerow site boundaries are all retained. 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 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.

WSCC and the Councils Drainage Engineer observed that groundwater levels are high but do not raise any concerns with this but rather state that this rules out infiltration of surface water drainage to ground. The surface water drainage strategy is to attenuate water in a basin in the centre of the site before discharging it at a restricted rate (and treating it prior to discharge) to one of the bordering watercourses. No objections are raised to this approach and the detailed elements will be secured by condition. On this basis, there is no conflict with the relevant policies.

#### FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states 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. Policy W DM1 states a drainage impact assessment is required for all major proposals. ANDP policy EH5 requires new development make appropriate provision for accommodating foul water arising from the development.

The application is not accompanied by a full Drainage Impact Assessment with foul drainage covered instead as a part of the submitted Flood Risk and Drainage Statement. This states the site will drain to the existing foul main sewer network that serves Woodgate House. A mix of gravity drainage and pumping will be used depending on the part of the site.

Southern Water indicated there is not currently sufficient capacity in the existing network, but they will increase capacity for any consented scheme in two years. A developer has a right to connect to the existing sewerage system with any offsite network improvements undertaken by Southern Water using

revenue they collect from by their Infrastructure Charging Scheme. Southern Water raise no objections as long as the site is delivered in a phased manner to align with the necessary network reinforcement measures.

Although there is a conflict with policy W DM1 due to no Drainage Impact Assessment, this conflict is minor and it is material that neither Southern Water nor the Councils drainage engineers object.

#### 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 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 suggests the dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. A condition will need to be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. 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. This does not mean that it is a requirement of this policy. Lifetime Home standards no longer exist, and the equivalent current standard is contained in part M4 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 and 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. The Councils Housing Strategy & Enabling Manager has stated that 29 affordable dwellings should be secured by a s106 legal agreement.

The Council recently adopted an interim affordable housing policy which sets out the need to secure first homes as part of the affordable housing mix. In order to accord with this policy, the mix will need to comprise of 7 First Homes, 3 intermediate/shared ownership and 19 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 s106 will include local housing clauses and 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 7,838m<sup>2</sup> of Public Open Space (POS) including 1,150m<sup>2</sup> of play provision comprising of on-site Neighbourhood Equipped Area of Play (NEAP) or a mix of Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP). These figures are based on 95 dwellings and so would reduce if the dwelling number went down.

The on-site POS & play can be secured by conditions and are not dependant on the agreement of a s106. There would be no requirement for other sport/recreation/fitness provision to be provided on 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 reserved matters stage when the 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. Therefore, 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 response is an objection unless the LPA seeks to collect a contribution of £48,980.10 towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.

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.

#### SUMMARY:

As the Councils HLS is now below 3 years (only 2.42 years), paragraph 14 of the NPPF would not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development. This states at 11 (d) (ii) where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning 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.

The proposal represents sustainable development. This report identifies some impacts in respect of character, biodiversity and loss of good quality agricultural land plus conflicts with policies relating to countryside development and foul drainage. On the other hand, the proposal will make a meaningful contribution to the HLS shortfall along with other social and economic benefits. This is an appropriate location for development and benefits from support from the Councils Interim Housing Statement. The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair and Vice Chair with authority to:

- (a) Grant outline planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning

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 29 Affordable Dwellings consisting of 19 affordable rented, 7 First Homes and 3 Intermediate. The s106 will be tailored to include local housing clauses and involve the ABE CLT.
- (2) A contribution of £48,980.10 (index linked) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.
- (3) The Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.

## CIL DETAILS

This is not currently liable for CIL due to being at outline stage. Instead CIL will be calculated on the reserved matters application.

## 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
 

Dwg DLA.2052.L.14 Rev 04 Red Line Boundary Plan (Location Plan);  
 Dwg 36 Rev F Proposed Access Arrangements Sheet 1 of 3;  
 Dwg 36 Rev F Proposed Access Arrangements Sheet 2 of 3;  
 Dwg 36 Rev F Proposed Access Arrangements Sheet 3 of 3;  
 Dwg 38 Rev A Plan showing Proposed Access Arrangements overlain with highway boundary;  
 Dwg TR02 Rev C Refuse Collection Vehicle Site Access Swept Path Analysis;  
 Dwg TR04 Rev B 16.5m Articulated Vehicle Site Access Swept Path Analysis; and  
 Dwg TR05 Woodgate House Access Swept Path Analysis.

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 be carried out in complete accordance with the mitigations and enhancements set out in sections 5 and 6 of the submitted Ecological Impact Assessment (01/09/21, P3816). The proposed enhancements shall be detailed on the landscape details to be submitted pursuant to condition 1 and shall also include the following additional measures:

- 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; 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.

- 5 The development hereby approved shall be carried out in accordance with the mitigation measures set out in the Noise Impact Assessment by 24 Acoustics (R9249-1 Rev 1, 04/10/21). An acoustic assessment of compliance the report shall then be submitted to the Local Planning Authority no later than two months after commencement of the development hereby permitted. Any further provisions indicated in the assessment which need to be made to control noise shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

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

- 6 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.

- 7 The details submitted pursuant to condition 1 shall include 1.8m high acoustic fencing to protect the houses adjacent to the western boundary and also adjacent to the northern boundary of the northern most part of the site. The reserved matters submission shall include full details of this including design and placement. However, the siting of such fencing should not conflict with the proposed wildlife buffer along the western boundary.

Reason: To protect the amenities of new residents from noise associated with the horticultural site to the west & north west in accordance with policy QE DM1 of the Arun Local Plan.

- 8 The landscape and layout 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 dark 5m wide corridors along the southern and western boundaries as per figure 1 of the submitted "Lighting and Reptile Strategy Addendum" (28/01/22, P3816) are to be protected and enhanced for bats and other wildlife. 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;

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

(5) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). 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 within or that illuminates the dark corridors referred to in (3) above 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.

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

- 9 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 47th 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.

- 10 The layout, scale and appearance details to be submitted pursuant to condition 1 shall 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 cycle storage including elevations where provided in separate buildings; and

(4) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, 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 DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 11 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.

- 12 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 makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Aldingbourne Neighbourhood Development Plan Policy H2 and the Councils guidance note entitled "Accommodation for Older People and People with Disabilities Guidance".

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.

- 13 Prior to any works, hereby approved, commencing on site (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 from the nearby landfill site shall each be submitted to and approved in writing by the Local Planning Authority

1. A Site Investigation Scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected by migratory contaminants leeching from the Lindsey land fill sites and, if identified to be required;

2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken together with a Verification Strategy providing details of the data that will be collected in order to demonstrate that the works set out in the remediation

strategy, as required, are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (3) require the express written consent of the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the above and if identified by the above to be necessary then prior to the occupation of any dwelling (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 protect the amenity of the occupiers of the development and local residents in accordance with Policy QE DM4 of the Arun Local Plan 2011 - 2031.

14 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 Councils Environmental Health Officer and Ecologist as appropriate). 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 strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the sheeting of any loose loads;
- 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;
- 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) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 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.

- 15 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 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 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.

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

perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 17 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 18 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.

- 19 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.

- 20 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.

- 21 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.

- 22 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.

- 23 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.

- 24 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.

- 25 No part of the development shall be first occupied until such time as the vehicular access arrangements 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.

- 26 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed in accordance with the plans to be submitted to and approved by the Local Planning Authority through the reserved matters application.

Reason: To secure satisfactory standards of access for the proposed development and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 27 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.

- 28 No part of the development shall be first occupied until visibility splays of 2.4m by 160m in both directions have been provided at the proposed vehicular access onto Lidsey Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above 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.

- 29 The developer shall enter into a Section 278 agreement with the local highway authority to enable the offsite highway improvements shown on the approved drawings listed in condition 3 to be implemented. These shall then 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.

- 30 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.

- 31 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or

associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted 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 & prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the ABE CLT;
  - (2) A contribution of £48,980.10 (index linked) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout; and
  - (3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.
- 34 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.
- 35 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.
- 36 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 15/11/21) as available on the Councils website.
- 37 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](http://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>.

- 38 INFORMATIVE: A public sewer crosses part of the site north of Woodgate House and measures will need to be taken to protect it during construction. There are also rules on construction above a sewer in order to prevent damage and allow for future maintenance. Please discuss this with Southern Water - [Developer.Services@southernwater.co.uk](mailto:Developer.Services@southernwater.co.uk).
- 39 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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

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 groundwater table in support of the design. The applicant is advised to discuss the extend of ground water 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.

- 40 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
- The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 41 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.
- 42 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations> and this clearly sets out our requirements for discharging this condition.
- 43 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.
- 44 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.

- 45      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).
- 46      INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process (only necessary if daily HGV movements exceed 20 on a daily basis).
- 47      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.
- 48      INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 49      INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.