

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: AL/141/21/RES

LOCATION: Land North of Lee's Yard
Lidsey Road
Woodgate
PO20 3SU

PROPOSAL: Approval of reserved matters following outline planning permission AL/21/20/OUT for the approval of the appearance, layout, scale and landscaping for 5 No 4-bed dwellings, 14 No 3-bed dwellings & 19 No 2-bed dwellings. This site is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 38 dwellings with associated parking, road/footway provision, public open space, play provision, a community growing space, indicative landscaping, drainage features, foul water pumping station and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. The access arrangements were approved on AL/21/20/OUT.

The scheme includes 5 No 4-bed houses, 14 No 3-bed houses & 19 No 2-bed houses. Included within the total are 12 affordable dwellings (9 x 2 bed, 3 x 3 bed) which are spread out within the layout.

Each house has at least 2 parking spaces and the 4-beds have 3 spaces. No garages or car ports are included. There is visitor parking, cycle storage and two allocated spaces for the community growing area. There are no elevations for cycle storage sheds but condition 22 of the outline requires separate agreement of these. All gardens will have bin storage spaces and there are two bin collection points within the layout.

All houses are two storeys and typically have eaves fronted configurations with occasional use of gables. Design features include brick corbelling, brick quoins, brick window surrounds, projecting brick sills, swept arch headers, brick sills and some chimneys. Materials include brick, flint stone and tile hanging with roof tiles but exact types are to be confirmed. New internal boundaries will be 1.8m boundary walling, 1.8m timber fencing, 1.2m fencing, 1.2m post and rail, ornamental hedging and a 2m acoustic fence to the southern boundary.

As per the outline the site will have a vehicular access from

Lidsey Road which is an upgrade of the field access. This arrangement alters the road layout so that the caravan park access comes off the access into the site with a new junction. A new footway is proposed up to Lidsey Road and on the northern side will link in with the existing pavement. The access is 6m wide but narrows to 4.5m in other parts of the site. Footways are 2m wide and there is an area of shared surface in the southwestern corner.

The layout includes a 460m² Local Equipped Area of Play (LEAP) enclosed by a hedge, a 724m² attenuation basin, a small enclosed community growing area enclosed by a hedge, and 2745m² of Public Open Space (POS). The POS is on the western, eastern and north western parts of the layout. The attenuation basin is separate to the total area of POS. The application includes a landscape strategy plan but no precise details of soft landscaping. There are no firm details of hard landscaping materials. The scheme proposes the removal of 23 trees, some of which form hedges of circa 32m and 61m.

SITE AREA	1.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	25.3 dwellings per hectare (dph).
TOPOGRAPHY	Predominantly flat. The scheme proposes to raise levels across the site by up to 800mm in places.
TREES	No significant trees in the field but some forming part of the site boundaries with a minimum of 3m height but higher in places. There is a 9m high Scots Pine tree on the northern edge of the site set in from the boundary. Two trees are being removed from the northern boundary - a 14m Cypress & a 19m White Poplar. There is a small area of the site interior at the north eastern corner enclosed by 1.5m high coniferous hedging.
BOUNDARY TREATMENT	Boundaries predominantly consist of hedging/trees of at least 3m but there was also a 1.8-2m high close boarded fence visible to part of the southern boundary with Lee's Yard.
SITE CHARACTERISTICS	Vacant pasture land occasionally grazed for maintenance, although the site is separated from any wider agricultural landholding. The site has strong boundary planting on all sides provided by mature conifer hedging, with some deciduous trees and hedgerows intermixed or adjacent. Part of the site along the north boundary contains an area of taller grasses and wild plants and there is evidence of use as an informal allotment.
CHARACTER OF LOCALITY	Semi-rural with some houses either side of the A29. There is a caravan park to the east and an industrial use ('Lees Yard') to the south. The site fronts the A29 and is accessed through a pair of field gates at the north western corner.

There is a public house and a small convenience store a short walk to the north, with the latter to the north of the railway

crossing. Adjacent to the north boundary is the access road for the caravan park. There are predominately one and a half storey dwellings along Lidsey Road (north west) and Woodgate Close (north) but some roofs of those on Woodgate Close are visible above the boundaries from within the site. Opposite to the west is a site with planning permission for 71 dwellings (AL/20/21/PL) and which includes 4 no. two storey and 3 no. one and a half storey dwellings fronting the road (with a further two storey side on).

At the front of Lees yard is a bungalow but its use is not known. It is likely either in residential occupation in association with one of the businesses/the owner of Lees Yard or used as an office.

RELEVANT SITE HISTORY

AL/20/21/PL	Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.	App Cond with S106 28-02-22
AL/21/20/OUT	Outline application with some matters reserved for the erection of 38 No. dwellings consisting of 5 No. 4-bed house, 14 No. 3-bed houses & 19 No. 2-bed houses, with communal work hub & associated car parking & landscaping (resubmission following AL/57/18/OUT). This application is a Departure from the Development Plan.	App Cond with S106 22-10-20
AL/57/18/OUT	Outline application with some matters reserved (appearance only) for the erection of 30 No. dwellings consisting of 4 No. 4-bed houses, 10 No. 3-bed houses, 4 No. 3-bed apartments, 8 No. 2-bed apartments & 4 No. 1-bed apartments, communal work hub with associated car parking & landscaping. This application is a Departure from the Development Plan.	Refused 13-03-19

Permission was refused under AL/57/18/OUT (all matters except appearance) in part due to countryside location but also due to the design of the layout which failed to reflect the existing local character. A subsequent outline application (access only) was approved in October 2020.

REPRESENTATIONS

Aldingbourne Parish Council (APC) object for the following reasons:

- no involvement of the Community Land Trust who will receive some of the properties and were involved at outline stage;
- the layout provides less effective community space;
- original concept was to create a village feel with community space at the centre of the development;
- the location of the play area at the entrance to the site raises child safety issues;
- question number of detached properties given all dwellings are affordable;
- loss of two large trees on the northern boundary;
- one dwelling is within the surface water flooding zone on the eastern side of the site;
- tandem parking spaces are not practical; and
- the parking area located adjacent to the roadside along the northern road creates a very urban feel for the site in this location.

One objection stating that Lidsey Road and the level crossing will not cope with the extra traffic.

COMMENTS ON REPRESENTATIONS RECEIVED:

At outline stage, the "Aldingbourne, Barnham & Eastergate Community Land Trust" (ABECLT) stated their support for the general concept and the commitment shown by the applicants to provide a small development which would foster a sense of community, with affordable housing to meet the needs of local people and a small "hub" as a shared space. The s106 legal agreement attached to the outline was designed to offer the affordable housing to the ABECLT in the first instance. The ABECLT have not commented on this application. Their involvement is is not a planning requirement.

Contrary to the APC response, the scheme provides 12 affordable dwellings and this accords with the s106 legal agreement. The other issues are referred to in the report conclusions. Traffic generation were considered at outline stage and it is not possible to reassess this at reserved matters stage.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection.

SOUTHERN WATER - no objection but trees are proposed close to the public sewer. No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete (these are currently being planned & delivered).

SUSSEX POLICE - no objection and set out a list of security measures as detailed in their response on the Councils website.

WSCC HIGHWAYS - no objection and recommend no conditions.

ADC LANDSCAPE OFFICER - objection due to insufficient information to assess the landscaping. The submission is illustrative only and there are no details of actual quantities, species in location or size at time of planting. Advise there is no detail as to the play area specification.

ADC DRAINAGE ENGINEER - raise a holding objection:

- the attenuation basin is too close to the watercourse on the south boundary and to tree root areas;
- the bunding of the attenuation pond means water is held above ground level resulting in potential for a breach;
- the basin size should be adjusted to ensure that 300mm of freeboard is provided above peak anticipated water level;
- significant land raising across the majority of the site is not compliant with policy. Ground raising should be minimised to ensure it does not result in an increase in off site flood risk.

ADC ENVIRONMENTAL HEALTH - concerned that no air quality assessment provided. Request a condition requiring assessment of the foul water pumping station.

COUNCILS ECOLOGIST - no objection. The Ecology Enhancement Plan (Dec 2021)/Landscape Plan are sufficient and in line with recommendations in the EIA (March 2020) submitted with AL/21/20/OUT.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

SOUTHERN WATER - whilst not a planning requirement, it will be necessary for the applicant to remove 3 trees on the northern boundary of the LEAP as these are adjacent to the foul sewer.

ADC LANDSCAPE OFFICER - noted. The s106 requires separate approval of the play area specification so this can be reserved to a later date.

ADC DRAINAGE ENGINEER - these concerns are considered in the report conclusions.

ADC ENVIRONMENTAL HEALTH - the applicant objects to the pumping station condition however this is not a pre-commencement condition so the applicants approval is not required. The air quality assessment issue is discussed in the report conclusions.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Grade 2 Agricultural Land;
Area of Special Control of Adverts;
Lidsey Treatment Catchment Area;
Part within 12km of Singleton & Cocking Tunnels SAC;
CIL Zone 3;
Flood Zone 1; and
Class A Road.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change

ECCSP2	ECC SP2 Energy and climate change mitigation
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
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
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[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 EH2 2019 Protection of bat habitation

Aldingbourne Neighbourhood Plan 2019-31 Policy H1 2019 Provide Housing to meet District Council allocation

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

Aldingbourne Neighbourhood Plan 2019-31 Policy H8 Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

Aldingbourne Neighbourhood Plan 2019-31 Policy EE8 Communications infrastructure

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

Aldingbourne Neighbourhood Plan 2019-31 Policy LC4 Provision of allotments

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

SPD12 Open Space, Playing Pitches & Indoor & Built Sports Facilities

SPD13 Arun District Design Guide (SPD) January 2021

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 is considered to conflict with relevant Development Plan policies in that it fails to adequately respect the amenities of future residents, fails to properly integrate public open space, fails to provide for safe use of open space & play areas, fails to create an attractive layout, fails to respect the character of the area, fails to provide for the needs of older/disabled occupants, fails to adequately consider air quality, fails to provide sufficient detail of landscaping and fails to provide sufficient new tree planting in appropriate locations.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

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. Section 38(5) 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, the Aldingbourne Neighbourhood Development Plan (ANDP) takes precedence over the Arun Local Plan (ALP) should there be a conflict between the two.

The principle of development was established by AL/21/20/OUT which granted permission for the erection of 38 No. dwellings consisting of 5 No. 4-bed house, 14 No. 3-bed houses & 19 No. 2-bed houses, with communal work hub & associated car parking & landscaping. That permission established the principle of development including flood risk, traffic generation, highway safety, impact on wildlife, loss of agricultural land, countryside location, foul drainage (the principle of 38 new dwellings connecting to the network) and provision of affordable housing, public open space & children's play.

The addition of a community growing space is supported by ANDP policy LC4 "Proposals that contribute to the provision of allotments either by making land available for those purposes .., will be supported." However, at the same time the loss of the communal work hub set out in the outline description means that the proposal loses the previous support from policy LC3.

COMPLIANCE WITH THE OUTLINE:

Conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below.

Condition (5) requires the details of acoustic fencing to the southern boundary. The boundary treatment plan in the Design Compliance Statement (DCS) includes this and there was a specification included in the Noise Assessment submitted with AL/21/20/OUT.

Condition (6) requires that finished floor levels are set above flood levels. The scheme proposes land raising above flood levels so complies with this.

Informative (38) stated the reserved matters submission should include an air quality assessment and details of mitigation as required. Whilst informatives hold no weight in setting out requirements, this is required to comply with ALP policy QE DM3 which states that "All major development proposals will be required to assess the likely impacts of the development on air quality". This does not need to be in the form of a formal Air Quality Assessment as the site is not within an Air Quality Management Area (AQMA) but it is still necessary to show proper consideration of this and without such, the proposal is in conflict with the policy. The Councils Environmental Health Officer has commented on this omission. There is thus a conflict with policy QE DM3.

The outline description included reference to a communal work hub and this has not been included.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1, D SP1 and LAN DM1 are all relevant in respect of design and character. Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters.

ANDP policy H3 states the density should be appropriate to the location. Policy H9 requires the design of dwellings include things like cycle stores, meter boxes, bin stores, flues/ducts, gutters and communications connections. The drawings indicate the position of cycle & bin storage spaces and there are conditions on the outline to secure broadband connections and the elevation details of the cycle stores.

The Arun Design Guide was adopted as a formal supplementary planning document (SPD) in January

2021. Sections G, H & J are relevant. The density of the scheme has been agreed by the outline which approved 38 dwellings on a site of 1.5 hectares. The Design Guide requires buildings and spaces be carefully arranged and take priority over roads and car parking so that highways do not dominate. New development should respond to the surrounding pattern of buildings in terms of block sizes and patterns of plot division in order to create a natural extension to existing development. Open spaces should be clearly integrated in the scheme and be safe & accessible for all users. New development must ensure the existing character and sense of place of an area is respected and enhanced.

The NPPF and other supporting national guidance emphasises high quality design, respecting character, creating a sense of place, safety, accessibility, inclusivity and striving for beauty. It states "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

There are third party concerns in respect of its difference to the illustrative scheme presented at outline which was designed to give a village feel and had the community space at the centre of the layout. APC consider that this layout provides less effective communal space and that the roadside parking along the northern road creates a very urban feel for the site.

The local planning authority (LPA) agrees with these issues and has concerns with the layout such as its inward looking nature with no houses fronting onto either of the two road boundaries (particularly Lidsey Road - which would reflect the approach on the nearby Wings scheme & the existing homes opposite). The layout fails to respect or enhance the surrounding character and will appear as a standalone development with no connection to its surroundings and no sense of place. The siting of the POS spaces and play area appear as an after-thought and are not clearly integrated with the rest of the layout but rather placed where there is left over space.

It is acknowledged that the outline permission sets very specific parameters in terms of the accommodation mix (5 No 4-bed dwellings, 14 No 3-bed dwellings & 19 No 2-bed dwellings) and a fixed amount of dwellings (38). It is set requirements for acoustic fencing, wildlife enhancement, open space and play. There was no requirement set out for the size of the buffers to the southern (8m) or western boundaries (6m). The applicant has not demonstrated that the layout presented illustratively at outline (which was supported by APC & the ABECLT) is no longer achievable.

These factors would not have prevented the applicant from submitting a full application for a different number or mix reflecting the approach they took on the Wings site which lies opposite to this site.

The dwellings are generally appropriate in design although architectural style is very similar with a narrow materials palette. There are no landmark/focal buildings to draw the eye on certain viewpoints. However, they have been designed to be tenure blind and that the affordable housing is spread throughout the site. This and the addition of some chimneys is positive. The retention of the category B Scots Pine and incorporation within POS is positive but overall, there is a lack of greenery and street tree planting in the layout. This would for example assist in breaking up the long strip of parking on the northern road.

Overall, there are concerns with the layout in that it fails to properly integrate open space & play areas, fails to provide a layout that respects/enhances local character and fails to create a sense of place. The proposal conflicts with ALP policies D DM1 & D SP1 and the Arun Design Guide.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 and HWB SP1 are relevant but there is no applicable ANDP policy. The Councils

supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The amounts of POS (2745m²) and play (460m²) are in accordance with the requirements set by the s106 legal agreement and the applicant has confirmed that the attenuation pond has not been included in the POS total. The Councils Landscape Officer raises no concerns with the provision.

APC are concerned with the location of the play area at the site entrance and consider this will result in child safety issues. The play area will be secured by a hedge and a gate however access to it will be from pavement at the site entrance where there will be vehicles passing close by. The POS is also predominantly either in this same location or on the eastern side of the site in close proximity to the attenuation pond which will be wet at certain times of the year and has a depth of 1.1m, which again raises issues of safety. No submissions have been made to demonstrate the safety of these locations.

The Arun Design Guide makes clear that open spaces should be clearly integrated in the scheme and be safe & accessible for all users. The proposal conflicts with this objective but is otherwise in accordance with the open space and play requirements. It is positive that a growing area has been included and this aspect gains support from ANDP policy LC4.

LANDSCAPING & TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping.

ALP policy ENV DM4 requires that trees that contribute to local amenity are not damaged or felled unless the development meets the following criteria:

- a. tree loss is in the interests of good arboricultural practice;
- b. tree loss would enhance the survival & growth prospects of other protected trees;
- c. the benefits outweigh the loss of trees or woodland, especially ancient woodland.

ANDP policy EH6 states the loss of trees contributing to amenity can only be sanctioned where benefits outweigh the loss.

The scheme proposes to retain the category B Scots Pine on the northern boundary (this was noted at outline stage to be suitable for bats although not occupied by any) but other large trees on the northern boundary are being removed such as a 14m Cypress and a 19m White Poplar (this is noted by the APC objection). The Councils Tree Officer has not responded to the consultation.

In the absence of such expert opinion, it would be difficult to justify objections to the loss of these trees or to argue for the reclassification of any of the trees' ratings. As these trees have been categorised as category C, their amenity value is low and the benefits of the scheme would on balance outweigh their loss. In order to effectively demonstrate biodiversity net gain (which is discussed elsewhere in this report), replacement planting on a 2:1 ratio would be expected as set out in the Arun Design Guide.

The development proposes the removal of 23 trees but the layout only shows 41 new trees. Some of these are street trees and appear to have limited room to grow and mature (such as those adjacent to plots 15 & 19). As per Southern Waters comments, 3 proposed trees on the northern boundary may

need to be removed as they are adjacent to the foul sewer. A greater number of trees need to be planted within the scheme to compensate for those lost. Some of these should be added to the northern road to soften the row of parking spaces. This was requested as an amendment at an early stage but no changes have been made.

The application does not include any firm details of landscaping despite landscaping being a reserved matter. The applicant suggests that this can be secured by a condition however it is not appropriate to apply for approval of landscaping and then reserve the details to a further condition discharge. Conditions should be minimised on a reserved matters and so should really only be used to secure something minor that is related to the overall approved details.

The proposal is in conflict with condition 1 of the outline in that no precise landscaping details have been provided. There is additional conflict with ALP policy D DM1 and with ENV DM5 as discussed later.

OTHER MATTERS:

(A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update acknowledges at paragraph 6.10 that affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more bedrooms. Table 29 identifies a suggested broad mix of market housing by size for the District:

The development comprises 10 x 2 bed (40%), 10 x 3 bed (40%) and 5 x 4 bed (20%). The 2 and 3 bed percentages are within the ranges set by the SHMA update whilst the 4 bed amount is a little high (by 5%). This difference is slight and can be explained by the lack of any single bed accommodation. It is clear that the mix was set at outline stage and as such there can be no objection at this time.

(B) Housing for Older People

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations. To achieve this support, the proposal should provide at least 9 M4(2) homes.

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 11 of the homes are designed to the M4(2) standard, and that 2 are designed to meet M4(3) i.e. be wheelchair accessible.

The applicant declined to include any such provision citing that the ANDP policy does not set this as a requirement and that the Arun guidance document is not an adopted document. This stance fails to

consider ALP policy D DM1 which states that buildings should be flexible to future adaptation, including the changing needs of occupants (for example ageing users). There is conflict with this policy and by association, with the Council's guidance note. This reflects poorly on the development approach as a whole.

(C) Residential Amenity

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

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are several instances in the development layout where these standards are not met, as follows:

- 1-4 rear to 5 side is only 11.5m vs the 14m requirement;
- 19 rear to 18 side is only 12m vs 14m;
- 36/37 fronts to 24 side is only 11.5m vs 14m;
- 31/32 fronts to 17 front is only 11.5m vs 16m;
- 16 front to 29 front is only 10.5m vs 16m; and
- 10 front to 25/26 front is only 9.5m vs 16m.

The applicant has advised that where the flank wall is closer to a front or rear elevation, there are no windows in that flank elevation. This would be acceptable from a window to window privacy point of view however, it fails to properly consider views from windows over neighbouring private gardens. The shortfalls in interface distances also provides for a tighter form of development layout. The applicant states it is not possible to reconfigure the layout due to the need to provide an easement to the southern boundary, protect hedges and provide open space & play. None of these are sufficient reasons to justify accepting a lower quality layout which may be harmful to the amenities of future occupiers.

The scheme will not adversely affect the amenities of surrounding properties due to existing trees/hedge screening and the distances between the site and existing dwellings. Whilst plot 9 is fairly close to the adjacent holiday caravan park, it has been orientated so as not to face any existing caravans.

There is conflict with ALP policies D DM1 and QE SP1 in respect of the relationship between proposed dwellings.

(D) Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The scheme proposes the following house types (with their corresponding floor areas and requirement). These have been checked and show that all dwellings meet the requirements.

- C2H4 - 80.4m² (79m²);
- C3H3-P - 94.8m² (93m²);

C3H4-P - 95.1m² (93m²);
C3H5 - 95.1m² (93m²);
C3H5-P - 95.1m² (93m²);
C3H10-P - 94m² (93m²); and
C4H2 - 106.2m² (106m²).

The Arun Design Guide sets out that private rear garden should be at least 10.5m deep and that front gardens provide a minimum of 2m defensible space. The layout does not meet these requirements as there are some gardens around the 10m mark and in a few cases some at around 9.5m or 8.6m (this is illustrated by the submitted "Rear Garden Strategy Plan").

Where the garden is short but has a decent width and is not in a back-to-back relationship this is acceptable (such as plot 9). Plots 7 & 8 do not benefit from any extra width and although plot 20 does, its depth means that its rear windows look out at the very rear of 18's garden at only 9.5m. Due to these issues, the scheme does not fully provide for a good standard of amenity for future occupiers. With the exception of plots 5-8 (1m), all of the other 34 have at least 2m deep front spaces and this aspect is acceptable.

(E) Parking, Roads and Public Footpaths

ALP policy T SP1 seeks to ensure development accommodates the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements and create safe and secure layouts for traffic, cyclists and pedestrians. Both T SP1 and ANDP policy GA3 require developments to incorporate appropriate levels of parking in line with current parking standards. The Arun District Council Parking Standards SPD (January 2020) sets out the parking demands for residential developments for different parking behaviour zones.

The advice of WSCC Highways is summarised above and they raise no objections to the layout. They note it has been tracked for the movements of larger vehicles. The development generates a parking demand of 89 spaces (81 allocated & 8 visitor). The scheme meets this requirement and provides 2 extra spaces for the proposed growing area. APC have a concern that tandem spaces are not practical. It is agreed that the full use of such spaces can create issues if occupiers leave/return at different times however, neither the Design Guide nor the Parking SPD state that tandem parking is inappropriate.

There is no provision within the scheme for any disabled parking. The Parking Standards SPD refers to the need to ensure 5% disabled parking provision as per Manual for Streets (MfS). The applicant was requested to consider this but declined as the SPG is not policy. This approach fails to consider that it is a MfS requirement and also that ALP D DM1 states "places should be flexible to future adaptation, including the changing needs of occupants" whilst T SP1 requires that the needs of people with disabilities are considered. The proposal is therefore in conflict with these two policies.

(F) Waste Management

ALP policy WM DM1 is relevant but there are no issues with refuse vehicles accessing the site from Lidsey Road or moving around the layout. The application includes details of individual bin storage locations and collection points for bin days. Overall, the application achieves sufficient provision for the storage of waste and kerbside collection is possible for all dwellings such that there is no conflict with the requirements of policy WM DM1.

(G) Surface Water Drainage

This is a separate matter as drainage is covered by conditions 9, 10 & 11 on the outline planning

permission and will be agreed through the discharge of such conditions. Engineers have several concerns with the scheme and are not in a position to confirm that the layout is appropriate.

ALP policy W DM3 seeks to ensure SUDS discharge water from developments to be at a lesser rate, as prior to construction. To achieve this, criteria (f) requires development to follow the hierarchy of preference for different types of surface water drainage disposal systems. ANDP policy EH5 requires new development make appropriate provision for accommodating foul and surface water.

APC comment that one of the dwellings (plot 9) is within the surface water flooding zone on the eastern side of the site. This was considered in the report for the outline application where it was stated: "However, the eastern edge of the site (where there is a watercourse) is noted as being at risk from surface water flooding. This predominantly affects only the eastern boundary however, the 1:1000 risk area also covers a small area in the NE corner of the site. This flood designation is not covered by the EA's flood zones (i.e. 2/3). The submitted Flood Risk Assessment addresses this by stating that finished floor levels in this area will be set above the flood level and that the surface water drainage strategy will remove any excess surface water from the site."

In accordance with condition 6 of the outline, the application proposes to raise levels across the site. In respect of plot 9, the finished floor level (FFL) will be 8.2m compared to the existing site level of 7.38m. Across the site, levels are being raised by a similar amount although there is a 0.84m increase in the south eastern corner (plot 38 has a FFL of 8.2m) with a slope down to the attenuation pond (7.04m) on the eastern side. It is stated that this level of raising is required to mitigate the risk of potential high groundwater and the surface water flood extent. This 'pond' will then discharge at a controlled rate to the watercourse on the eastern boundary.

Although the levels increases are significant, due to distances and existing screening, the extra height of the houses will not result in any injury to the surrounding environment or amenities of dwellings outside the site. The buildings to the south of plot 38 are in industrial use whilst on the northern boundary (plot 1), the ground level increase is only around 0.4m which is within acceptable tolerances.

Drainage Engineers maintained their initial holding objection despite the applicant having submitted further information. A similar approach can be taken here to how other applications in the local area have been determined. In these cases, it was made clear (by an informative on the decision) that if the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. These other permissions represent material considerations that serve to outweigh the policy conflicts. This reserved matters application can be determined without the full support of drainage engineers and it is not necessary to demonstrate full compliance with policy W DM3 at this time.

(H) Singleton and Cocking Tunnels Special Area of Conservation

Half of the site including the northern and part eastern boundaries lies within the 12km buffer zone of the Singleton & Cocking Tunnels Special Area of Conservation (SAC). ANDP Policy EH12 2019 states proposals for the development of greenfield sites must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature treelines, hedgerows and watercourses. Such features should be preserved unless surveys demonstrate they are not used by Barbastelle, Bechstein or other bats.

As per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), the LPA (acting as the Competent Authority) is required to undertake an Appropriate Assessment (AA) in order to conclude that the development works would not result in 'likely significant effects' on the foraging of bats deriving from the Singleton and Cocking Tunnels SAC. This was not done at outline stage as

there was no confirmation at that time of the extent of tree/hedge removal and so would need to be done at the reserved matters stage. However, as this report is recommending refusal, it can be delayed to an appeal or a resubmission application.

The applicant has supplied a Shadow Habitat Regulations Assessment which advises that the site does not form part of any known flight lines for the bat species, no records of barbastelle have been recorded within the site, the boundary hedgerows will be retained & re-enforced as a result of the proposal and the existing residential development already present to the north forms an existing barrier to bat movement. The Assessment concludes that potential impacts on the SAC and its qualifying features can be screened out and there is no requirement to undertake an Appropriate Assessment. On this basis, the proposal does not conflict with ANDP policy EH2 2019 and conditions could be used to secure any additional mitigation beyond that agreed at outline stage.

(I) Biodiversity Net Gain

Condition 4 of the outline requires that the reserved matters be in accordance with the mitigation measures and enhancements specified within the Ecological Impact Assessment (Rev 01, 06/03/20).

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitat.

The Councils Ecologist raised no objection stating the submitted ecology enhancement plan and landscape plan is sufficient and in line with the recommendations set out in the EIA submitted under AL/21/20/OUT. These comments do not consider the need for 2:1 planting of trees to compensate for those lost and it is clear from the above discussion that the scheme is deficient in this respect. However, the use of hedging to enclose the play area and community growing space is positive and it compensates for the loss of hedges within the site.

It is not possible to completely confirm biodiversity net gain for the proposal. In addition, the ecologist has not realised that the landscape plan (which is linked to the proposed ecology enhancement plan) is stated to be illustrative only. There is currently some conflict with policy ENV DM5.

(J) Climate Change

Condition 14 on the outline requires the approval of measures to reduce energy conservation and achieve a 10% annual energy reduction. As these details are required to be approved through the discharge of this condition, it is not reasonable to require compliance at the reserved matters stage. The proposal would be in accordance with ALP policy ECC SP2. There is condition (19) requiring approval of details of electric vehicle charge points and this satisfies the requirements of ALP policy QE DM3 (c).

SUMMARY & TILTED BALANCE:

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS (currently 2.42-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

Although the principle of development has been established by the outline permission and this was considered at that time to be in accordance with the NPPF 'presumption in favour of sustainable development', it is necessary to revisit this due to the policy conflicts identified in the report.

This states that 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 any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. The revised ANDP has recently been made (14/07/21) but due to the HLS being below 3 years, para 14 does not apply.

This report identified that the proposal fails to adequately respect the amenities of future residents, fails to properly integrate public open space, fails to provide for safe use of open space & play areas, fails to create an attractive layout, fails to respect the character of the area, fails to provide for the needs of older/disabled occupants, fails to adequately consider air quality, fails to provide sufficient detail of landscaping and fails to provide sufficient new tree planting in appropriate locations.

On the other hand, the site is environmentally sustainable, the proposal will help to support the local community by providing 38 homes including 12 affordable dwellings, CIL receipts could be used in the Parish Council area to contribute towards local infrastructure and there will be economic benefits in terms of Council Tax receipts, creation/maintenance of construction jobs and additional spending by new residents on goods & services.

Despite the benefits, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and generally that the scheme does not represent a high standard of design & amenity. Therefore the application should be refused for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £336,473.05 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). As there is a Neighbourhood Plan, the Parish Council will receive 25% of this money (£84,118.26) subject to whether any relief is claimed.

RECOMMENDATION

REFUSE

- 1 The layout and overall development is unacceptable in that it fails to ensure a decent standard of amenity for future residents (by reference to garden sizes and interfaces between dwellings), fails to properly integrate public open space & ensure the safety of these areas, fails to create a sense of place, fails to respect/enhance the character of the area and fails to provide for the needs of older/disabled occupants. The proposal is in conflict with Arun Local Plan policies D DM1, D SP1 QE SP1, T SP1, the Arun Design Guide, Arun Parking Standards SPD and the NPPF.
- 2 The proposal applies for approval of landscaping but does not provide firm details of the landscaping and the layout shows insufficient tree planting and trees in inappropriate locations. On this basis it is not possible to fully demonstrate biodiversity net gain or to demonstrate how the proposal will be landscaped and the proposal is in conflict with Arun Local Plan policies D DM1 & ENV DM5, the Arun Design Guide and the NPPF.
- 3 The reserved matters submission fails to consider the impact of the proposal on air quality contrary to the requirements of Arun Local Plan policy QE DM3 and the NPPF.
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.