

REPORT UPDATE

Application No: AL/143/24/RES

Reason for the Update / Changes

Reason for Update/Changes:

The Council's Tree Officer has now provided comments on the application. These are set out in full on the Council's website but in summary raise OBJECTION for the following reasons:

(1) The Root Protection Area (RPA) plotted for T67 Oak (TPO) which is east of plots 59-62 should be redrawn as the roots were more likely to favour the grassland on the western side of the tree than the road surface (A29) on the east. Plots 59-62 are already shown to intrude unacceptably into the RPA and should be sited outside of the revised RPA.

(2) The RPA for T64 Oak (TPO) is adversely affected by new road on the western side and by the residential gardens of plots 67 & 68 to the south. Landscaping, lawn treatments and certain permitted developments all have potential to cause harm to the tree's ongoing health and vitality.

(3) The RPA for G76 2 x Oak (both TPO) is adversely affected by new footway on the western side.

(4) The proposed s278 highway works including the proposed 3m wide foot/cycleway, realignment of the ditch and new headwall all have the potential to harm retained trees (including TPO trees) along the site frontage.

These comments were received over 4 months after registration of the application and after the production of the committee report. As such, it is unreasonable to now require changes to the scheme. On a 'without prejudice' basis, the Tree Officer has recommended two planning conditions. One of these is new and the other was already in the agenda report in a slightly different form. Therefore, condition 2 in the attached replacement recommendation sheet is an addition and condition 4 has been amended to reflect the advice.

In addition to the above, some minor changes and corrections have been made to the other conditions as set out below:

(a) Condition 1 has been amended to include "Affordable House Type YB52 Elevations Page 34" as this was missed off when the report was written.

(b) Condition 6 has been amended to state "... prior to occupation of the 47th dwelling .." in order to match with Outline condition 9.

(c) Condition 7 has been amended to allow 46 dwelling occupations (to match with condition 6 and Outline condition 9).

(d) Condition 9 has been amended to allow proposed bathroom/en-suite/toilet windows to be opening below 1.7m except in respect of the bathroom window in the flank of plot 69 which would otherwise allow views across "The Paddock".

Officers Comment:

Note: The changes to the planning conditions are shown on the attached amended/replacement recommendation sheet.

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

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO:	AL/143/24/RES
LOCATION:	Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne PO20 3SU
PROPOSAL:	Approval of reserved matters following outline consent AL/129/21/OUT for 93 No. residential dwellings with associated parking, landscaping, open space (including play areas), infrastructure and works. This application is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks reserved matters for 93 dwellings (originally 95 but reduced due to layout changes) with associated public space, landscaping, parking, and drainage. Approval of scale, layout, external appearance, and landscaping are sought. AL/129/21/OUT approved access arrangements. Sixty-five percent of the homes will be built to the M4(2) Building Regulations standard (mix of affordable and market) and 2% (2 no.) will be built to the M4(3) standard, the latter being solely within the affordable rented tenure.</p> <p>The scheme includes 197.5 parking spaces (174 allocated spaces, 2 FOG car port type spaces, 11 garage spaces measuring 3m x 6m and 16 visitor parking spaces). Two of the allocated spaces are suitable for disabled use whilst a further three of the visitor space meet this standard M4(3). Cycle parking is indicated to be within cycle storage sheds in rear gardens, in garages or in communal stores (plots 76-81). All properties will have bin storage spaces/stores.</p> <p>Dwellings are predominantly two storeys but there are some instances of two and half storeys (rooms within the roof space) whilst the flatted building (plots 76-81) is three storeys in (three storeys plus the roof). The building designs are mixed with several different house types including detached, semi-detached, and terraced. Roof heights and shapes vary.</p> <p>As per the outline permission, the site will have a main vehicular access from the A29. The access will be 7.3m wide (tapering to 6.1m inside the site) with additional 2m footways and will take the form of a bell mouth arrangement with 15m radii and a ghost island right turn lane. The visibility splays will</p>
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be 2.4m by 160m. New footway will be provided to the west side of the A29 to link with the existing footway north of the site. These aspects are all already approved and not part of this application.

The scheme also includes a secondary pedestrian/cycle connection in the north-eastern corner as well as links into the proposed phase 2 development (as approved by AL/70/23/OUT) in the south-eastern and south-western corners of the site. The internal site road is also shown to continue westwards into the phase 2 site. The estate roads linking to the main spine road are narrower as befits their status in the road hierarchy and some are shared surface.

The main area of Public Open Space (POS) is in the southern part of the site and includes two play areas and a SuDS pond. There is additional POS on the eastern boundary, parts of the western boundary and in the north-eastern corner. An additional play area is shown in the south-eastern boundary (this was previously in the north-eastern corner but was relocated due to Landscape Officer concerns). An electricity substation with parking space is shown adjacent to the main estate road just north of the main POS. Lighting is proposed in the form of 6m high street lighting columns painted in Sherwood Green and porch lighting to individual plots.

SITE AREA

The site area excluding the extent of the red edge within the highway boundary is 3.53 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 26.3 dwellings per hectare.

TOPOGRAPHY

There is a difference in levels between the north-western corner at approx. 9.5m above Ordnance Datum (AOD) compared to the south-eastern 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 almost all of the site's boundaries and there are also several trees in and around Woodgate House (outside of the site area) and also a line of trees across the site. A Tree Preservation Order (ref TPO/AL/7/22) protects 9 Pedunculate Oak and 1 Ash tree on the site. These are on the northern, western, and eastern boundaries and with 5 trees within the line of trees that extends across the site. These are all shown as being retained.

No pruning works are proposed but the proposal seeks to remove the following tree groups: parts of G63 (category C), all of G65 (C), parts of G68 (C), parts of G74 (C), and parts of G75 (C). A small part of hedge H79 (category C) is to be removed to allow a path connection to land to the south.

There will also be (a) minor encroachment into the nominal circular Root Protection Areas (RPAs) for tree T72 and tree

	group G76 due to the positioning of the proposed highway access, (b) minor encroachment into the radially expressed RPA extents of T64 and T66 in the form of new permeable footpaths (and a bin store area in the case of tree T64), and (c) encroachment into the western radial RPA extents of tree group G76 in the form of a new permeable footpath.
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	Two agricultural fields separated by a row of trees. One field 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/89/24/OUT	Outline planning with all matters reserved (except access) for the demolition of existing redundant nursery buildings and other structures and erection of a residential development of with up to 130 No. dwellings, informal and formal public open space, landscaping, drainage, and other associated works. This application may be a Departure from the Development Plan.	
AL/70/23/OUT	Outline planning application with all matters reserved except access for residential development of the site with up to 155 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. This is Not CIL liable as Outline.	App Cond with S106 25-10-23
AL/129/21/OUT	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	App Cond with S106 22-08-22

associated works. This application is a Departure from the Development Plan.

AL/104/21/ESO	Request for screening opinion for a proposed development of up to 95 dwellings	ES Not Required 02-09-21
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AL/129/21/OUT was approved in August 2022 following a resolution by committee in April 2022. This application secured the access details and improvements which this application seeks to benefit from. AL/104/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and it was confirmed that an EIA would not be required for up to 95 homes.

AL/70/23/OUT adjoins the site to the west and south whilst AL/89/24/OUT (to be approved once the legal agreement has been signed) will adjoin AL/70/23/OUT and extend northwards to the railway line.

REPRESENTATIONS

Aldingbourne Parish Council state objection for the following reasons:

- (1) Development west of Westergate and outside of the Built-Up Area Boundary (BUAB) is in conflict with the Aldingbourne Neighbourhood Development Plan (ANDP).
- (2) The Parish has already met its housing needs.
- (3) The street lighting proposals will impact the dark skies of the Parish.
- (4) Out of proportion in size and character to its neighbours which are predominantly bungalows.
- (5) Support the objection of WSCC Drainage.
- (6) Support the objection of Southern Water.
- (7) Insufficient proposals regarding climate change and electric vehicle charging.
- (8) The proposed three-storey building at plots 77-82 represents inappropriate density and is out of all scale with neighbouring homes, which are predominantly bungalows.
- (9) There are almost no buildings of three storey height in the Parish area.
- (10) The development is not sustainable as it will be reliant on the use of the car leading to further pressure on the highway network and air pollution.
- (11) Bat surveys are out of date and insufficient information concerning ecological enhancement features.
- (12) The Community Land Trust (CLT) has not been consulted on the provision of affordable housing with a view to reserving some homes on the site for local people.
- (13) The Lidsey Water Treatment Plant must be upgraded before these homes are occupied; and
- (14) There has been no community consultation with the parish council on the open space allocation or the provision of allotments that was previously requested.

Four objections have been received from two residential addresses raising the following concerns:

- (15) The existing sewer on the private access track is designed for 9 homes not 95.
- (16) Loss of privacy to The Paddock from the proposed three storey building.
- (17) Will affect existing house values.
- (18) Not acceptable to have resident bins adjacent to an existing residential garden.
- (19) Pedestrians/cyclists leaving the site in the north-east corner will conflict with existing traffic.
- (20) Increased traffic congestion, road accidents and local pollution from queuing cars.
- (21) Light pollution from proposed lighting columns (note no lighting columns on the wings site).

- (22) The site presently accommodates surface water when it rains and this will be displaced; and
 (23) There is Japanese Knotweed at the north end of the site which was reported to Hanbury Homes on AL/129/21/OUT.

COMMENTS ON REPRESENTATIONS RECEIVED:

Many issues are relevant to the principle of development, the access arrangements or other matters which were determined through the outline application or are subject to separate determination by planning conditions. These include nos. (1), (2), (10), (13), (15), (20) and (22). In respect of the remainder of the objections these are discussed in the conclusions or commented on below.

Parish Council:

- (7) Sufficient information has now been provided in relation to electric vehicle charging. Climate change proposals are subject to the discharge of outline condition 20 and so it is not appropriate to require full details at this time.
 (9) As the Parish notes there are relatively few three storey buildings in the Parish, however it is clear that there are some such as at 21 & 22 Lamorna Gardens and Swan Court, Pine Close.
 (11) The issue with the bat surveys is covered in the "Officers Comments on Consultations" section.
 (12) There is no formal planning requirement for the applicants to engage with the CLT. It is also noted that the affordable housing provision was set at the outline stage through the signed legal agreement.
 (14) There is no formal planning requirement for local community consultation with the parish council. It is also not possible to revisit issues that were raised at the outline stage.

Local Residents:

- (17) The effect of development on house prices is not capable of being a material planning consideration.
 (19) The secondary pedestrian/cycle access was agreed at the outline stage and is important in providing a safe route to reach facilities to the North. WSCC Highways raise no concerns with its access onto the A29 footway.
 (23) There is no mention of Japanese Knotweed in the application documentation, and this was not raised with planning officers at the time of determination of the outline application. An informative will be included to alert the developer to the possibility of this being present.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - State objection as the applicant has not indicated the proposed means of foul sewage disposal.

WSCC FIRE & RESCUE - Request that a condition be imposed to secure sufficient fire hydrants.

WSCC DRAINAGE - Initially stated objection due to insufficient information in order to demonstrate the method of surface water discharge and comply with local & national policy. Following re-consultation, they maintain their objection and request the following details:

- An updated FRA and Drainage Strategy (phased reports) presented for consideration with appropriate plans at "For Construction" status.
- Revised calculations to current standards to ensure the quoted storage can be achieved; and
- Details sufficient to discharge the outline conditions 16-18.

In a separate response they stated, "The successful discharge of the outline conditions are likely to inform the detailed design which may affect layout and further consideration of surface water drainage; therefore, this should be flagged in the consideration of any reserved matters".

WSCC HIGHWAYS - Initially raised several issues with the proposed road and pavement layout. Following amendments and re-consultations, have stated no objection and recommend no conditions.

ADC ENVIRONMENTAL HEALTH - Initially stated no objection to the boundary treatment plans but requested more information concerning electric vehicle charging. Following amendment and re-consultation confirm that the charging detail is acceptable.

ADC ECOLOGY OFFICER - Initially raised the following concerns/issues:

- Need for an appropriate assessment due to the location within the Singleton and Cocking Special Area of conservation (SAC) buffer.
- The bat and reptile surveys are out of date and cannot now be relied upon.
- Insufficient mitigation proposed for birds, bats, hedgehogs.
- Inadequate new tree and shrub planting; and
- Inadequate details of the proposed SuDS pond.

Stated no objection to the lighting proposals and recommended four conditions concerning reptile mitigation, construction management, ecology management and further surveys. Following amendment and re-consultation, re-iterated the need for further surveys but confirmed the concerns regarding mitigation/enhancements/planting have now been resolved.

ADC LANDSCAPE OFFICER - Initially raised concerns with the play proposals including the play offer and the need to relocate LAP 1 away from dwellings due to potential for nuisance. Also raised concerns with the soft landscaping detail. Following amendment and re-consultation, advised that the relocated LAP 1 is acceptable as is the soft landscaping detail. However, re-iterate the earlier concerns with the play offer as the LEAP and LAP areas are inadequate in offer, detail, surfacing and overall appearance.

ADC HOUSING DEVELOPMENT & ENABLING OFFICER - States the SO mix should be adjusted to comply with the policy requirements and then that the AR mix be slightly adjusted to maximise the opportunities for a couple more family rental homes of which Arun is in desperate need. This would also make the AR units more likely to attract a Registered Provider as they often reject sites that have too few units included. In order to carry out these changes, it would be necessary to switch a few of the house types to balance out the mix to result in the following mix:

Affordable Rent

8 x 1-bed AR (40%)
6 x 2-bed AR (30%)
4 x 3-bed AR (20%)
2 x 4-bed AR (10%)
21 units (75% of overall total)

and

Shared Ownership incl. First Homes

2 x 1-bed SO (33%)
2 x 2-bed SO (33%)
2 x 3-bed SO (17%)

1 x 4-bed SO (17%).
7units (25% of the overall total)

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

SOUTHERN WATER - Notwithstanding that the application is actually accompanied by details of the proposed foul sewage system, this is not a reserved matter and instead these details will be agreed in writing through the discharge of outline condition 15.

WSCC FIRE & RESCUE - A fire hydrant condition was imposed on the outline permission, so it is not appropriate to impose it again.

WSCC DRAINAGE - The outline permission was subject to drainage conditions which state they must be discharged prior to commencement not concurrent with the determination of the reserved matters application. Drainage is not a reserved matter. Should there be a situation where the drainage conditions cannot be agreed in the future due to the layout not providing sufficient space then a new reserved matters application would need to be submitted to account for the necessary changes. An informative will be added to ensure the applicant is aware of this.

ADC ECOLOGY OFFICER - Recent case law from the Court of Appeal in 2024 on *C G Fry & Son Limited (Appellant) v Secretary of State for Housing, Communities and Local Government* states that a Habitat Regulations Assessment is appropriate for all stages of decision making. However, such an assessment was carried out at the outline application stage and there has been no change in local circumstances therefore no need to repeat this process.

The bat and reptile surveys as submitted at the outline stage were carried out between April and October 2021 and therefore, at the point of submission of this application in December 2024, were over 3 years old. Guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM) states those surveys that are more than 3 years old are unlikely to be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist).

It is material that no conditions were imposed on the outline requiring the submission of new surveys with the reserved matters application and it would be difficult for the Council to now insist on new surveys. There is no case law or government guidance on whether it is appropriate to re-assess wildlife survey information on a reserved matters application. The applicant submitted an updated walkover survey (May 25). This was forwarded to the Council's Ecologist, and he advised:

"The (walkover) assessment has not identified significant changes to the existing habitats and proposes measures to reduce the site's suitability for reptiles. The previous site surveys identified only two slowworms present and the measures will minimise risk of harm to reptiles. The updated assessment is acceptable. I withdraw my objection."

A condition has been included to ensure that the proposed mitigation and enhancement measures set out in the submitted documents are carried out in full.

ADC LANDSCAPE OFFICER - The concerns with the play provision are noted and it is therefore proposed to impose a condition to require approval of details separately and prior to occupation.

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
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
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HWBSP1	HWB SP1 Health and Wellbeing
HDM1	H DM1 Housing mix
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

Aldingbourne Neighbourhood Plan 2019-31 Policy H2

Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Mix
Aldingbourne Neighbourhood Plan 2019-31 Policy H4	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Affordable Housing
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Attention to detail
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy EH12	'Unlit Village' status
	Protection of bat habitats

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

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 relevant policies of the Aldingbourne Neighbourhood Development Plan are considered within 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 complies with relevant Development Plan policies in that it would result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, important trees or the amenities of existing and future residents.

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 no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it relates to an Outline permission granted prior to the introduction of mandatory BNG.

CONCLUSIONS

PRINCIPLE:

AL/129/21/OUT agreed a development of up to 95 dwellings together with the provision of informal and formal public open space, landscaping, drainage, and other associated infrastructure. Vehicular, pedestrian and cycle access was agreed to be from the A29. The outline permission established the principle in respect of flood risk, traffic generation, highway safety, impact on wildlife, loss of agricultural land, archaeology, countryside location, foul drainage (the principle of the new dwellings connecting to the network) and provision of affordable housing, public open space & children's play.

COMPLIANCE WITH OUTLINE CONDITIONS:

It has been established by case law that applications for the approval of reserved matters must be within the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below. When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

Condition 7 requires details of a proposed 1.8m high acoustic fencing to protect the houses adjacent to the western boundary and adjacent to the northern boundary of the northern most part of the site. This is shown on the submitted plans and the Council's Environmental Health officers raise no concerns.

Condition 8 requires tree survey documents, details of all other boundaries including hedgehog gaps, a mitigation method statement with reference to the 5m wide dark buffers on the western and southern boundaries, a landscape management plan and external lighting proposals. Whilst there are some concerns with the lighting proposals, details of lighting and everything else has been provided for consideration and so there is no breach of the condition.

Condition 9 requires full details of Public Open Space (POS) and play provision. The applicant has provided the required detail. There is current objection to the play provision, but it would be appropriate to secure this by a planning condition on the reserved matters.

Condition 10 requires details of electric vehicle charging points, a levels survey, sufficient disabled parking, cycle storage details (including elevations) and a colour materials schedule. The majority of the information has been provided, the exception being elevations of cycle sheds, for which a new condition can be imposed to secure these.

Condition 12 requires details of the provision of M4(2) and M4(3) housing to meet the council's policies and the planning drawings demonstrate that sufficient M4(2) and M4(3) housing is being provided therefore has been complied with.

LAYOUT, APPEARANCE AND SCALE:

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 AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters. ANDP policy H3 states density should be appropriate to location whilst H9 requires that house designs include certain 'add-on' items. The National Design Guide (NDG) is a material consideration in the determination of this application, as well as the Arun Design Guide (ADG).

The ADG suggests a density of 15-25 for detached/semi-detached houses and 20-30 for terraced dwellings in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The gross density of the site at 26.3 dwellings per hectare is just over the first range and noting the presence of terraced dwellings within the layout, is within an acceptable tolerance. The density does also transition from the denser northern area to a more spacious layout at the southern end. As such the density is acceptable in this instance.

The layout of the site is constrained by a number of factors - the need to provide dark wildlife buffers to all of the boundaries, the presence of TPO trees, the nursery access road running though the site on an east-west axis and the shape of the northern area including the narrow north-eastern corner. Initially, concerns were raised with the layout due to the dense and complicated form of the northern area, insufficient parking provision, interface standards & garden depths and the bulky appearance of the two and half storey terraces at plots 43-48.

The applicant made changes to the scheme which saw a reduction of two dwellings and other changes which have overcome the majority of the officer issues. The parking arrangements for plots 65-68 are complicated with plots 66-68 parking at the rear of 65 - and as result 65 having a small triangular piece of private amenity space tucked away in a corner. This is a minor concern and as the rear of this report will show there is sufficient parking and amenity space. Plots 43 & 48 have now been made into two storeys to better transition to the two and a half storeys at plots 44-47 (previously all 6 plots were 2.5 storeys).

The site constraints (particularly the irregular shape of the northern area) has also been accepted as preventing a more imaginative layout in the northern area. The submitted Design and Access Statements sets out three different character areas (Green Edge, Park Edge, and Core) which differ from each other in density, parking location, and building detailing.

The scale of the houses is mixed between two storeys, two and a half storeys and three storeys. The two and half storey houses and the three-storey flatted building are sited well away from any public viewpoints and do not border any existing residential properties. They will not be seen in the same context as the existing single storey dwellings in the immediate area. There are other instance of two storey developments in the local area such as at Wings Nursery, Lees Yard and also the individual properties, Woodgate House and Stockhearn House which border the site directly. In practice therefore the only bungalows are those on the west side of the A29 directly north of the site and those on the east side, north of Lees Yard. The scale of the development is therefore acceptable.

The affordable housing is wholly in the northern area of the site (north of the main spine road) but is in small clusters and mixed amongst similar clusters of market housing, so this is acceptable. The flatted building is solely within the affordable tenure but there are reasons why tenures cannot be mixed in a single flatted building. It is positive that not all of the terraced dwellings are in the affordable tenure as this ensures the terraced houses are not just seen as affordable (which is often the case with large developments).

The scheme includes 24 house types which ensures that very few houses will look the same and there will be good variation in rhythm in street scenes. The proposal includes an appropriate mix of materials,

and the layout includes landmark type buildings (in render) to draw the eye. In summary, the proposal is acceptable in terms of layout, scale, and appearance and in accordance with ALP Policies D DM1, D SP1, SH SP2, the ADG and relevant NDP policies.

PUBLIC OPEN SPACE (POS) AND PLAY:

ALP policies OSR DM1 and HWB SP1 are relevant to the consideration of POS and play provision but there are no applicable policies contained within the ANDP. The Council's supplementary planning document (SPD) for 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site POS and play provision. The comments of the Council's Landscape Officer are also relevant to this issue.

The SPD sets out an overall requirement of 7,672sqm of POS and Play provision to include 2 x LAP (100sqm each) and LEAP (400sqm). The submission demonstrates that the POS requirement has been met (and the total excludes the area of the SuDS pond) and the Council's Landscape Officer raises no concerns with this aspect. However, the officer has not been able to agree the play provision (the play equipment and surfacing) and so this aspect will be reserved to a condition.

It is positive that whilst the majority of the POS is in the southern area, there is also space within the northern area and within the boundaries. All residents will have easy access to natural areas which will be positive for their health and wellbeing. The submission is in accordance with the relevant policies.

TREES & LANDSCAPING:

ALP policy LAN DM1 requires that development respect the particular characteristics and natural features of the relevant landscape character areas. ALP policy D DM1 requires new landscaping. Policy ENV DM4 states TPO protected trees or those that contribute to local amenity should not be damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland. ANDP policy EH1 states development in the countryside Policy EH6 relates to trees and is similar in scope to ENV DM4.

The landscaping scheme proposes some 137 new trees, 2,222 shrub plants, 1,650 ornamental mix plants, 6,213 native scrub mix units, 66 new single species hedgerow plants, 1,063 native hedgerow mix plants, and 1,377 wetland edge mix units. The tree planting easily meets the requirement for two trees to be planted for each one lost and the Council's Landscape Officer raises no concerns with the soft landscaping proposals or the impact on the wider setting. In respect of the latter, it is also material that the outline permission established the principle of up to 95 dwellings being built on this site.

The scheme fells a minimal number of trees, does not require any pruning works and only requires minor encroachment into the RPA's of retained trees. All TPO trees on site are being retained with these being incorporated into the site edge buffer strips or retained as a belt of trees along the northern edge of the main play areas.

Some retained TPO trees will be subject to minor RPA encroachment and no-dig pathway construction. One of these will have residential garden within its RPA (plots 67/68) and this is in conflict with guidance in the ADG and Open Space SPD. This is in part mitigated by the fact that these homes are maisonettes and will not have the benefit of permitted development rights to carry out works in their gardens.

The Council's Tree Officer has not yet provided any consultation comments and any that are received will be brought to the attention of the Committee by update.

The proposal is acceptable in respect of landscape & landscaping and whilst there are some conflicts

with policy in respect of TPO trees, mitigation has been proposed, and significant landscaping will be implemented. Therefore overall, the proposal is acceptable in respect of the afore mentioned policies and given the lack of any objection.

OTHER MATTERS:

(A) Housing Mix

ALP policy H DM1 requires a mix of housing to meet local needs and for all housing development to provide a mix of dwelling types and sizes to address this need and demand. The policy 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).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size for the District:

- 1-bed dwellings: 5-10% of all dwellings.
- 2-bed dwellings: 40-45% of all dwelling.
- 3-bed dwellings: 35-40% of all dwellings; and
- 4+ bed dwellings: 10-15% of all dwellings.

The affordable housing mix (in terms of bedroom size) was not set by the outline permission. Table 29 of the 2016 report sets out separate suggested mixes for intermediate/starter homes (SO) including First Homes and affordable rented (AR) accommodation.

The market housing conflicts with Table 29 in that there are zero 1-bed market dwellings and that the mix is too high on the proportion of 3-bedroom dwellings. No justification has been proposed for this deviation however it is material that Policy H DM1 allows for the mix to be negotiated on a site-by-site basis, and this does not need to be in complete accordance with the latest SHMA. In addition, the proposed mix is not a significant deviation from the current SHMA.

The affordable housing mix comprises: 8 x 1-bed AR (40%), 7 x 2-bed AR (35%), 4 x 3-bed AR (20%) & 1 x 4-bed AR (5%); and 2 x 1-bed SO (25%), 5 x 2-bed SO (63%), 1 x 3-bed SO (12%) & 0 x 4-bed SO (0%). The AR mix is in accordance with the requirements but the proportions of the SO mix are skewed too much in favour of smaller accommodation.

The Council's Housing Development & Enabling Officer has stated that the affordable housing mix should be adjusted to better reflect the requirements of table 29 and increase the attractiveness of the site to a Registered Provider. However, it must be recognised that the Policy H DM1 does not proscribe a particular mix and on this basis it would be difficult to justify a refusal on grounds of the affordable housing mix.

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 achieving this is a requirement just that it will be seen as positive. Lifetime Home standards no longer exist, and the equivalent current standard is contained in part M4 of the Building Regulations.

Arun 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). It has some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2 (and by ANDP policy H2). It requires that at least 47 of the homes on this site (50%) are designed to the M4(2)

standard, and that 2 are designed to meet M4(3) i.e. be wheelchair accessible.

The scheme shows that 65% of the homes will be built to the M4(2) Building Regulations standard (mixed between the affordable and market tenures) and that 2 no. dwellings will be built to the M4(3) standard, the latter being solely within the affordable rented tenure. This is an acceptable provision.

There are no conflicts with ALP policy H DM1 or with the policy/guidance on the provision of housing accommodation to provide for an ageing generation.

(B) Residential Amenity & Space Standards:

ALP policies D DM1, D DM2 and QE SP1 are relevant. The ADG 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 (technically, there is no stated requirement for front to side, but the impact is the same therefore it is appropriate to consider this).
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping.
- Front gardens should provide a minimum of 2m defensible space; and
- The rear gardens of residential houses should be at least 10.5m deep.

There are no conflicts in respect of the relationship to any existing residential properties outside or adjoining the site as all of the above distances are exceeded. It will be necessary however to impose a condition to ensure that all bathroom/en-suite/toilet windows in the layout are obscure glazed. This will also ensure that the first-floor en-suite window in the eastern flank of plot 69 is obscure glazed to prevent overlooking of "The Paddock" from its side window.

Woodgate House is a sufficient distance away from proposed windows such that there will be no conflict with the above standards and the new residential gardens border it are the correct length. However, its large gardens will no longer be as private as they once were and this is unfortunate. A further condition will be imposed to remove permitted development rights for future dormer/roof extensions/roof alterations to all of the plots bordering Woodgate House (and the other residential properties adjoining/adjacent the site) to maintain adequate interface standards and minimise any future loss of privacy due to windows added at 3rd storey level.

It is noted that the occupiers of the Paddock raise concern as to the potential for overlooking from the new 3-storey flatted building. It is accepted that the second storey will allow for greater views however, there is no requirement within the ADG to ensure a greater distance in such circumstances. In any case, the distance between the flatted building and The Paddock's garden is 24.6m and the distance to the actual dwelling is around 43m. This is sufficient. The same residential occupiers also raise concern with having rubbish bins sited just over the shared fence, but this is not an untypical arrangement, and modern bins are capable of containing any odour.

Following amendment, there are only a few issues with the distances between the new dwellings:

- Rear of 35/36 (first floor bed) to side of 37 (first floor en-suite) is 12m (14m requirement) - this is acceptable if the flank bathroom window is obscure glazed.
- 20 Rear (first floor bed) to 22 Side is only 11.9m (14m requirement) - this is acceptable as 22 has no flank windows; and
- 21 Side (first floor study) to 13 Front (first floor bed) is only 12m (14m requirement) - this is, on balance acceptable as it is a study to bed arrangement.

The site levels drawing shows that there will be some increases between the existing ground levels and finished ground floor levels, some of which will be quite significant (up to around 1.3m). Some of the biggest increases are at the northern end of the site and will have an impact on the adjoining dwellings including The Paddock and Woodgate House. These levels changes will increase visual impact to these dwellings but not to an unacceptably harmful extent. The levels increases do not necessitate the need for additional mitigation.

With the exception of plot 66 (10m), all proposed rear gardens meet or exceed the required 10.5m distance. The ADG sets out a need for private amenity spaces for flatted buildings such as balconies or terraces of at least 3sqm of useable space; and communal shared spaces (a minimum of 40sqm plus 10sqm for each unit if not provided as balcony space).

Maisonette provision is appropriate with each of the four dwellings (67/68 and 92/93) having private garden space exceeding the 3sqm standard. Plot 65 is Flat over Garage (FOG) and effectively a single flat. It has a sufficiently sized private space in the corner of the rear parking court. The two flatted buildings (59-62 and 76-81) have their own communal garden spaces which meet the requirements.

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (NDSS) to determine if the buildings will be suitable for future residential occupiers. The floorplans of each house have been cross referenced with the NDSS, and the minimum gross internal floor areas of the houses clearly meet the standards.

The proposed scheme is therefore in accordance with the afore mentioned policies and guidance.

(C) Lighting

ANDP policy EH1 states development in the countryside must protect the local landscape character and wider setting of the South Downs National Park and support the dark skies policy. The ANDP 'dark skies' policy (EH10) states development proposals which detract from the unlit environments of the Parish will not be supported but that new lighting must conform to the highest standard of light pollution restrictions. ALP Policy QE DM2 seeks to control lighting to minimise impacts on the landscape and night sky.

The application proposes to site several 6m high galvanised street painted lighting columns throughout the scheme. These will be fitted with Urbis Schreder Lighting Axia 3.1 LED luminaires complete with rear louvres and emitting Warm White (2700K) light. It is also stated that porch lighting will be provided to individual plots but there are no details of this in the submission.

It is acknowledged that there are lighting columns on the A29 to the north-east of the site however neither of the recent residential developments at Wings Nursery or Lees Yard proposed lighting columns and both instead have a scheme comprising low wattage porch and patio lights. The application site lies on the southern edge of the settlement and will, in combination with the two other sites approved in outline (AL/70/23/OUT & AL/89/24/OUT) form a new south-western edge to the built-up area. If column lighting is agreed by this permission, then it would be difficult to resist it on the other two adjoining sites and this would result in a noticeable impact on the existing dark skies in this part of the Parish.

It is accepted that the lighting scheme (per the submitted Lighting and Reptile Strategy Addendum) ensures the sites border buffer areas are not subject to lighting and will preserve wildlife habitat and wildlife routes. The Council's Ecologist raises no concerns with these proposals. It is acknowledged the Council's Environmental Health Officers makes no comment on the lighting proposals. Neither of these factors allow for columns to be considered favourably. It is proposed not to list the lighting plans in the decision and instead to impose a condition to seek the approval of lighting by discharge of condition. On

this basis, there will be no conflicts with the afore mentioned policies.

(D) Parking, Roads, and Public Footpaths:

ALP policy T SP1 states schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. ANDP policy GA1 promotes cycling and walking whilst GA3 requires sufficient parking provision. Both the Arun Parking Standards SPD and the ADG contain guidance relevant to highway layout and parking.

The vehicular access is in the agreed position set by the outline. The outline proposed a new 2m wide footway for around 125m along Lidsey Road between the new access and the existing footway outside April Cottage to the north. This has been included in the scheme as has the previously proposed a secondary pedestrian/cycle access in the north-eastern corner of the site onto the footway. The site provides one vehicular access but two pedestrian/cycle access points plus the new footway along the A29. There are further access points indicated into the adjoining development AL/70/23/OUT.

WSCC Highways initially requested several alterations to the layout but had no concerns with the vehicle access point. The alterations have been duly made, and Highways have now confirmed that their objection has been lifted. Members will note that the layout is crossed by an existing private access track. This provides access to Woodgate House within the site and then to Stockhearn Nursery, nos. 1 and 2 Farrows Barn and land further west. This is a private road, and it would not be appropriate for new site residents to use it. Therefore, the application proposes to site bollards at each of the four corners of the crossing to deter vehicles turning onto the track. Signage can then be used to make residents aware that it is a private track.

According to the Parking Standards SPD, the development requires 196 allocated and 19 visitor parking spaces (215 total). Following amendment, the scheme proposes 197.5 parking spaces overall: comprising 174 allocated spaces, 2 FOG Spaces, 5.5 (11) garage spaces measuring 3m x 6m and 16 visitor parking spaces. There is also a single space shown for the substation. The majority of the visitor spaces are south of the access road, but it is positive that there are now 4 shown in the northern half (versus only 2 shown initially). All standard spaces measure 2.5m x 5m.

There is a shortfall of 17.5 spaces overall however the outline application was accompanied by a Travel Plan, and this was secured by the legal agreement (which included its implementation and monitoring). The Parking SPD states at para 3.2 that:

"To satisfy the promotion of sustainable travel modes and choices, it is considered that a 10% variation below the target parking demand value be allowed where appropriate travel option provision is provided including travel plans, public transport contributions (e.g. through section 106 contributions involving Strategic Allocations and Community Infrastructure Levy once adopted, for other non-strategic sized developments for offsite infrastructure of a strategic nature) and other sustainable travel initiatives. This is also as a result of increasing affordability issues resulting in young people staying with parents for longer."

Applying a 10% discount to the requirements results in a new requirement of 193.5 and the proposal therefore exceeds this. The scheme also includes cycle storage in accordance with the standards in the SPD. Pedestrian and cycle connections in the layout will allow residents to reach local shops/services without needing to use a car.

The Parking SPD also requires that layouts include parking spaces suitable for disabled people and that this should be consistent with guidance in "Manual for Streets" (which requires that 5% of all spaces are

suitable). The scheme includes three M4(3) visitor spaces and two M4(3) allocated spaces. This represents only around 2.5% of the overall parking provision however this is on balance acceptable as it does not present a parking conflict and given the site layout constraints.

Notwithstanding the under provision of accessible spaces, the proposal is in accordance with the relevant development plan policies.

(E) Surface Water Drainage

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.

This is a separate matter as drainage is covered by conditions on the outline and will be agreed through the discharge of such conditions. WSCC assessed the proposed drainage scheme in order to assess whether the amount and location of development is realistic having regard to the drainage requirements and they object due to a lack of sufficient supporting information.

All surface water from plots/estate roads will drain to the attenuation pond via a piped system and during the 1 in 100yr storm event, surface water will be attenuated to reduce the discharge rate.

The outline permission was subject to drainage conditions which state they must be discharged prior to commencement not concurrent with the determination of the reserved matters application. Drainage is not a reserved matter. Should there be a situation where the drainage conditions cannot be agreed in the future due to the layout not providing sufficient space then a new reserved matters application would need to be submitted to account for the necessary changes. An informative will be added to ensure the applicant is aware of this. On this basis, there is no policy conflict.

(F) Biodiversity & Net Gain:

ALP policy ENV SP1 states ADC will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment. Where possible it shall promote the creation of new areas for habitats and species. ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The outline application was received prior to the introduction of statutory Biodiversity Net Gain (BNG) and so there is no requirement for statutory 10% BNG. However, per policy ENV DM5, it is still necessary to demonstrate a net gain.

The submission includes various mitigation and enhancement measures comprised in the "Lighting and Reptile strategy addendum", "Mitigation Method Statement" and the "Land adjacent to Woodgate Nurseries, Woodgate, West Sussex: Updated Walkover Survey. Subject to a condition being imposed to ensure these measures are implemented then the proposal will achieve a net gain in biodiversity. The Council's Ecologist has withdrawn his earlier objections. The application is thus in accordance with ALP policy ENV DM5.

SUMMARY

Whilst there are some deviations from the ADG and other policy guidance, overall, this scheme is

acceptable and complies with the policies of the development plan. The stated conflicts are relatively minor and are outweighed by the benefits that the scheme will bring including the affordable housing, the contribution to the Council's Housing Land Supply shortfall and the other obligations secured by the s106 legal agreement on the outline application. It is therefore recommended that this application for Reserved Matters is approved.

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.

COMPLIANCE WITH SECTION 106 DETAILS

A s106 Agreement Compliance Statement has been provided which sets out that there are no conflicts between the reserved matters submission and the s106 agreement.

CIL DETAILS

The site is in CIL Zone 3 and is liable for a CIL payment with 25% of the total being allocated to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Planning Layout ST-22-01 Rev M.
- Location Plan Phase 1 ST-22-02.
- Housing Mix Plan St-22-04 Rev E.

- Affordable Housing Plan ST-22-05 Rev F.
- Building Heights Plan ST-22-06 Rev E.
- Boundary Treatment Plan ST-22-08 Rev E.
- Materials Plan ST-22-09 Rev E.
- Bin And Cycle Storage Plan ST-22-10 Rev E.
- Parking Plan ST-22-11 Rev E.
- Street Scenes ST-22-12 Rev B.
- Coloured Layout Plan ST-22-13 Rev E.
- Surface Materials Plan ST-22-15 Rev F.
- Boundary Treatment Details ST-22-14 Rev A.
- EV Charging Plan ST-22-19 Rev A.
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- DS_0707_15 INF 301 Rev B Section S278 General Arrangement Layout.
- DS_0707_15 INF 100 Rev B PH1 Proposed FFLs, External Levels And Road Contour.
- DS_0707_15 INF 181 Rev D PH1 Vehicle Tracking, Refuse Vehicle.
- DS_0707_15 INF 182 Rev D PH1 Vehicle Tracking, Fire Appliance.
- DS_0707_15 INF 183 Rev C PH1 Vehicle Tracking, Private Car.
- General Arrangement GLS_020_170_P1_1300 Rev E.
- Planting Plan Sheet 1 GLS_020_170_P1_1501 Rev A.
- Planting Plan Sheet 2 GLS_020_170_P1_1502 Rev A.
- Planting Plan Sheet 3 GLS_020_170_P1_1503 Rev A.
- Planting Plan Sheet 4 GLS_020_170_P1_1504 Rev A.
- Planting Plan Sheet 5 GLS_020_170_P1_1505 Rev A.
- Planting Plan Sheet 6 GLS_020_170_P1_1506 Rev A.
- Open Space Area Plan GLS_020_170_P1_1900 Rev C.
- Landscape Specification GLS_020_170_P1_1801.
- Landscape Management Plan GLS_020-170_P1_1802; and
- Tree Protection Plan 24113-5.

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

- 2 Before any machinery is introduced to the site or construction work takes place, a brief written report (with supporting photographic evidence) is required from the Arboricultural Consultant representing the site owner(s), confirming and demonstrating that all ground protection and protective fencing has been assessed and is 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection drawing, plan ref: 24113-5

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the "Lighting and Reptile strategy addendum" (31/01/22), "Mitigation Method Statement" (04/11/24) and "Land adjacent to Woodgate Nurseries, Woodgate, West Sussex: Updated Walkover Survey in relation to Bats and Reptiles (12/05/25) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This shall include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance

with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV SP1.

- 4 All activity at the site is to be carried out in strict accordance with the submitted "Arboricultural Impact Appraisal and Method Statement" by Barrell Tree Consultancy (14/04/24, ref 24113-AIA5-PB), the accompanying "Tree Protection Plan" (Barrell Plan Ref: 24113-5) and Barrell's "Manual for Managing Trees on Development Sites". The applicant should pay special attention to the Site Guidance Notes referred to in this document and on the Tree Protection Plan.

Reason: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with Arun Local Plan policies ENV DM4 and D DM1.

- 5 No development above damp proof course (DPC) level shall take place until full details of the proposed in-curtilage cycle stores/spaces/garage racks for those dwellings which do not benefit from a communal store have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage sheds/spaces/racks associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policies T SP1 and T DM1. The application states cycle parking for the houses will be provided within sheds in the rear of each garden or in a garage but there is no detail of the sheds or storage racks.

- 6 None of the dwellings shall be occupied unless and until full details of the proposed public play provision and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The detailed design shall include the equipment mix to be provided to encourage all relevant ages and abilities to enjoy the areas safely. It should detail how each area is inclusive and accessible. It should include a range of play experiences such as natural play space, swinging, spinning, climbing, bouncing and sensory provision. Details shall be provided on the robustness of materials to be used, their life expectancy, types of safety surfacing and whether fencing and gates are proposed. Detail should also be provided on the ancillary items to be provided such as number and location of bins, seating areas, bike storage and boundary treatments. The play provision shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 47th dwelling and permanently retained thereafter. The approved details shall then be permanently adhered to.

Reason: To ensure that play provision is in place for residents and that a management regime is established in accordance with Arun Local Plan policy OSR DM1.

- 7 No more than 46 of the dwellings hereby approved shall be occupied unless and until the applicant/developer supplies a certificate confirming the agreement of the Royal Society for the Prevention of Accidents (RoSPA) for the proposed LEAP and LAP play areas on the north-western side of the proposed drainage attenuation pond. The submission shall include details of any physical changes, if necessary, for approval in writing by the Local Planning Authority prior to occupation.

Reason: In the interests of amenity and safety in accordance with Arun Local Plan policies D DM1 and OSR DM1.

- 8 Prior to the occupation of the development hereby approved, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. 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) and GN08 2023. "Bats and Artificial Lighting at Night" but also:

1. Identify those areas/features on site that are particularly sensitive for bats or that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

2. Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white (The recommended Kelvin level is 2700) with a clear view, no UV a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: Column lighting has been proposed but this is inappropriate having regard to the dark skies policy and the type of lighting agreed on the nearby Wings Nursery and Lees Yard residential developments. In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site and within the local night sky in accordance with Arun Local Plan policies QE SP1, QE DM2, T SP1 & ENV DM5 and Aldingbourne Neighbourhood Development Plan Policy EH10.

- 9 All proposed bathroom/en-suite/toilet windows shall be glazed at all times with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard. In addition, the first floor en-suite window within the eastern flank of plot 69 shall be non-openable below 1.7m above finished floor level. These arrangements shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of existing and future residential occupiers in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 10 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no future dormer/roof extensions/roof alterations to plots 30, 39, 40, 51, 52, 53, 54, 55, 58, 63, 64, 65, 66, 67, 68 or 69 as approved shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate interface standards to the existing dwellings bordering the site area and minimise any future loss of privacy due to windows added at 3rd storey level in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 12 INFORMATIVE: This permission does not formally discharge any of the drainage conditions imposed on the outline planning permission and separate applications will be required to discharge these. In addition, the applicant should note that this layout has been approved without agreement of WSCC Drainage Engineers and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new reserved matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non-Material Amendment process. Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by full details in accordance with the guidance and checklist here <https://www.arun.gov.uk/surfacewater>.
- 13 INFORMATIVE: All other conditions on the outline that require approval in writing will require separate applications to be submitted to discharge these conditions.
- 14 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 14/01/25) as available on the council's website.
- 15 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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.
- 16 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.
- 17 INFORMATIVE: Local residents have suggested that there is Japanese Knotweed present in the northern area of the site. The applicant/developer should investigate this and if this is present seek appropriate advice and take the necessary steps to ensure its permanent removal and safe disposal. Please see <https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading>.