

Recommendation Report for Planning Permission

REF NO: AL/18/22/PL

LOCATION: Lidsey Lodge Farm
Sack Lane
Lidsey
PO22 9PE

PROPOSAL: Demolition of large agricultural buildings, removal of concrete yards and access, erection of 4 No 2 bed houses, 2 No 3 bed houses, 2 No 4 bed houses, gardens, access, parking, soft landscape and ecology areas (resubmission following AL/75/21/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to demolish 5 agricultural buildings and redevelop the site with 8 two storey (2/3/4 bed) dwellings in 3 buildings forming a horseshoe arrangement at the eastern enclosing 20 parking spaces. Remaining site areas will be returned to grass and landscaped wildlife buffer areas. The access at the eastern end will be closed and access instead taken from the existing western access which will be realigned and widened to 4.8m. This will necessitate the loss of some small scrubby trees on the west side and a small strip of the margin of the adjacent field. New boundaries will be a mix of post & wire, post & rail and hedging. A hedged buffer area will be provided around Lidsey Barn (Knights Quarter) where it adjoins with the western access.
SITE AREA	0.93 hectares
RESIDENTIAL DEVELOPMENT DENSITY	8.6 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but raised slightly above Sack Lane at the eastern end.
TREES	There are trees on the east boundary and according to the application documents include Elder and Oak.
BOUNDARY TREATMENT	Predominantly open to the surrounding fields albeit with a ditch to the northern and eastern/south eastern boundaries and trees/other vegetation on the eastern side. There is a 1.8m timber fence and part masonry wall where the site meets "The Barn" and a 1.5m high post & rail fencing (with additional sections of circa 2.5m high Beech hedge) around most of "Knights Quarter" (formerly Lidsey Barn) but no boundary on

SITE CHARACTERISTICS

the west side. There is no boundary to "The Old Hundred" or "Lidsey Lodge Cottage".

Former farmyard comprising of hardstanding, areas of scrub and five large agricultural buildings. Three of these are metal clad storage barns. The other two are linked and form a grain dryer building which is part metal clad. It is understood the site was used for the storage of grain but is now redundant as storage is taking place elsewhere. Also on the site is a storage container, old lorry trailer and some small areas of open storage. Wet drainage ditches on the north and eastern/south eastern boundaries. The latter better resembles a pond being 8.5m wide where it meets the eastern access. Existing gated accesses at the western and eastern ends of the site plus a further open access between "The Barn" and "Lidsey Lodge Cottage".

CHARACTER OF LOCALITY

Located towards the end of a rural lane with few dwellings and surrounded by arable fields. The site forms part of the wider Lidsey Farm which is a 95 hectare site currently farming arable produce including wheat, rape & potatoes.

There are four dwellings adjoining the site on its south side. "Knights Quarter" (formerly Lidsey Barn) on the west side of the site is a single storey dwelling house with windows on its western and southern elevations that face onto the site with little existing screening. Further to the east is "The Hundred"/"Lidsey Lodge Cottage", a two and a half storey semi-detached building with windows currently facing the grain dryer building. "The Barn" is further east and is single storey with a single storey garage to the rear.

RELEVANT SITE HISTORY		
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AL/75/21/PL	Demolition of large agricultural buildings, removal of concrete yards and access, erection of 4 No.2 bed houses, 2 No. 3 bed houses, 2.No. 4 bed houses, gardens, access, parking, soft landscape and ecology areas. (resubmission following AL/27/21/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	Refused 27-08-21
AL/27/21/PL	Demolition of large agricultural buildings, removal of concrete yards and access & erection of 4 No. 2 bed houses, 2 No. 3 bed houses, 2 No. 4 bed houses, gardens, access, parking, soft landscape & ecology areas. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	Withdrawn 16-04-21

AL/58/17/PL	Demolition of existing buildings, construction of 5No. live/work units & creation of new pastureland. This application is a Departure from the Development Plan	ApproveConditionally 13-12-17
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AL/27/21/PL was withdrawn in April 2021 after the applicant was advised additional information was required:

- Phase 1 Habitat Survey plus any follow-up species specific surveys;
- Evidence of biodiversity net gain;
- A Sequential Site Assessment given the location of the site in Flood Zone 3 by 2111;
- A full Archaeological Assessment; and
- A Tree Survey.

The applicant was advised that the site was in the 12km buffer zone of the Singleton & Cocking Tunnels Special Area of Conservation however, this was since checked and found not to be the case.

AL/75/21/PL was refused under delegated powers in August 2021 for the following three reasons:

(1) The site is in an area which is predicted to be Flood Zone 3 by the year 2111 and there is no guarantee that existing sea defences will be maintained. A sequential site assessment is required to demonstrate that there are no other suitable sites in areas of lower flood risk elsewhere in the district. As no sequential assessment has been provided, the application is in conflict with Arun Local Plan policy W DM2, the National Planning Policy Framework and associated guidance.

(2) The site has significant trees to the east boundary and elsewhere within or adjacent to the site boundaries but no supporting tree documents has been provided to enable an assessment of the proposal's impact on these. In the absence of such information, the application is contrary to policy ENV DM4 of the Arun Local Plan, policy EH6 of the Aldingbourne Neighbourhood Development Plan and the National Planning Policy Framework.

(3) The proposal fails to provide sufficient car parking provision for this semi-rural location and this will result in overspill onto Sack Lane with impacts on highway safety/convenience and conflicts with existing local residents. The proposal is therefore contrary to Arun Local Plan policy T SP1, the Arun Parking Standards SPD and the NPPF.

AL/58/17/PL concerns a site further east on Sack Lane, it is included as it is referred to in the report.

REPRESENTATIONS

Aldingbourne Parish Council: objection - site is in an unsustainable location, outside Built Up Area Boundary, harms local biodiversity including bats, in flood risk area, drainage issues, light pollution will affect the dark skies area, access is insufficient, will not contribute to climate change requirements, harm to the biodiversity corridor, no account of existing farm vehicle traffic, inaccurate representation of hedge protection, loss of mature trees.

4 letters of objection raising the following concerns:

- Increased traffic causing congestion and safety issues on Sack Lane which has no public passing places & no footway.

- Light pollution.
- No access to public transport.
- Harm to bats and barn owls.
- Lost facilities for a working farm.
- Several trees and other vegetation shown as being protected are owned by Knights Quarter and so the applicant has no right to determine what happens to these.
- Knights Corner incorrectly addressed on the drawings as Lidsey Barn; and
- The landscaping scheme should use substantial 1.75-2m high Beech or Hornbeam hedging to mitigate light pollution and provide for biodiversity.

One letter of support stating that as farm machinery is no longer stored at the site there is much less traffic along Sack Lane and the proposal will not generate traffic to the previous levels. Residents would be willing to place bat & owl nesting boxes to help support habitats. The house designs are in keeping with the area and will be much better use of space which is currently just a concrete yard with large tin barns. There would be a reduced risk of flooding due to the reduction in concreted yard.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of these issues will be assessed in the conclusions with the exception of the following:

- The nearest Aldingbourne Neighbourhood Development Plan (ANDP) designated biodiversity corridor is to the north and east of the site (around 250m at the closest point). The biodiversity corridor follows a footpath and then the line of the railway. ANDP policy EH2 only requires assessment for new development within or immediately adjacent to the Biodiversity Corridors and so it is not necessary to consider this further.
- The applicant responded re the hedge/tree protection issues stating: "The arboriculturalist went on site and plotted the trees and hedges with reference to the site survey plan. I checked this and am happy that they are correct. The arboriculturalist included trees and hedges both within the site and along the boundaries, whether owned by the applicant or others as they needed to be shown and need to be protected." The owner would of course retain the right to do what they wish with vegetation originating from their own property.
- The Design and Access Statement says the benefits for the farm that will result from the scheme should not be underestimated and that reliance on income generated from other sources is increasingly important to maintain and enhance the sustainability of the farming enterprise. Existing facilities are surplus to requirements and this application would not be before the Council if the facilities were crucial for the sustainability of the current farm enterprise.
- Lidsey Barn has changed its name to Knights Corner. The agent stated property names used on the block plan and submitted documents relate to those observed on the site and provided by the applicant.
- The applicant is happy to agree with the recommendations of the Council's Ecologist in respect of new landscaping. This would then be detailed and agreed by a discharge of condition.

The letter of support is noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to a condition to ensure development is carried out in accordance with the submitted flood risk assessment and the following mitigation measures which it details: (a) Finished floor levels shall be set above external ground levels; (b) No bedrooms shall be placed on the ground floor; and (c) Flood resilient construction methods and flood proofing measures shall be implemented.

NATURAL ENGLAND - state no comments to make on the application

WSCC FIRE & RESCUE - no objection subject to conditions to secure a fire hydrant on the site. Currently the nearest Hydrant to these properties is 380m away and the supply of water for firefighting for a domestic premises should be within 175m.

WSCC HIGHWAYS - no response except to ask for an extension until 01/04/22 and to seek clarification that the scheme is the same as AL/75/21/PL except that two extra parking spaces are now shown.

ADC DRAINAGE ENGINEERS - no objection subject to conditions modified to remove the need for groundwater monitoring). State the Flood Risk Assessment should not be listed as an approved document:

- Groundwater monitoring has been undertaken over winter 2020-2021 at two points and this is sufficient such that no further monitoring will be required.
- Further infiltration testing will be required as that done was not in accordance with DG365.
- Assuming that infiltration is found to not be viable on the site, then the applicant proposes to dispose of surface water via permeable paving which provides water treatment and storage before discharging at a restricted rate of 2l/s to the watercourse at the north of the site and this would be acceptable.
- Site investigations will be necessary to investigate the condition of the receiving watercourse and it is likely remedial works will need to be carried out to ensure it is capable of taking additional flows; and
- Easements will be required to the ditches with no buildings or fences within 3m.

ADC LANDSCAPE OFFICER - no objection subject to a landscaping condition:

- There are no physical, visual, historical or cultural links, protected landscapes, scheduled ancient monuments, listed buildings, conservation area or Historic Parks or Gardens associated with this site.
- No impact on the streetscene.
- No requirement for on-site play or public open space.
- The potential impact of the proposals could be blended into the surrounding environment with further thought given to the landscape offer and greening to counteract this.
- Hedges fare better planted at 1m in height and once established they can then be maintained at 1.5-2m height' as required - this can be resolved through a detailed landscaping scheme.
- The proposals given suitable landscape mitigation could be seen as an improvement to the agricultural hardstanding at present; and
- The proposals present an opportunity to increase biodiversity habitat across the site and provide aesthetic improvement in this location.

COUNCILS ARCHAEOLOGIST - no objection subject to condition. Agrees with conclusions of Desk-Based Assessment with regard to archaeological potential of site, there is no known reason to object but the site should be investigated further to identify deposits of interest that might be present and to implement appropriate measures for their preservation.

COUNCILS ECOLOGIST - no objection subject to various conditions and the following comments:

- The April 2021 Ecological Assessment concluded a negligible potential to support roosting bats

overall and therefore did not recommend any further surveys;

- The proposed lighting scheme will need to be bat friendly;
- Bat, bird & hedgehog boxes are required;
- Due to the previous presence of barn owls in one of the barns, a nesting box must be provided within 200m prior to commencement;
- Needs pre-commencement check for barn owls and if found then no works during breeding season;
- Existing hedgehog nesting habitats must be removed outside of the hibernation period mid-October to mid-March inclusive and undergo soft demolition;
- Works to trees should only take place outside of the bird breeding season;
- The hedgerow on the east & south-east boundary has suitability to support hazel dormouse. As this is being retained no surveys are required but a 5m buffer area will be required with fencing installed during construction;
- Any gaps in the hedges should be filled in using native hedge species;
- Due to the presence of water vole habitat in the bank ditch no works can take place in this ditch or area and a 5m buffer should be set up from the ditch bank and fencing used during the construction period to ensure this area remains undisturbed;
- A precautionary approach should be undertaken on the site for reptiles.

COMMENTS ON CONSULTATION RESPONSES:

Noted except as discussed below.

WSCC HIGHWAYS - It was clarified the application is the same as before excepting extra parking spaces but no response has since been received. On AL/75/21/PL, WSCC Highways raised no objection and recommended conditions relating to cycle storage & the access with the following comments:

- Sack Lane is a rural country lane, predominately single carriageway and a no-through road. It is public highway up to the point where the access will be (private to the east thereafter);
- Traffic generated by the farm has been considerably high in recent years (2013) typically 200 movements per day or 40 per day in grain harvest season and would have been large farm vehicles;
- The proposal results in a considerable reduction in farm traffic and traffic movements as a whole; and
- The parking provision is acceptable but details are required as to the cycle storage.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
CIL Zone 3;
Area of Character;
Archaeological Notification Area;
Current FZ/3 (eastern edge of the site); and
Future FZ3a by 2111 (whole site).

Lidsey Lodge Cottage/The Hundred which border the site are designated as Buildings of Character. There is a third Building of Character noted in the ANDP to be a former Victorian or Edwardian flint farmhouse but currently plotted on the Councils GIS mapping as one of the metal clad storage barns within the site. It is likely that this refers to The Barn as this contains some flint and immediately adjoins the site's southern boundary.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
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
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH1](#) Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH4 Protection of watercourses

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 EH8 Buildings and structures of character

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

H1 2019

Aldingbourne Neighbourhood Plan 2019-31 Policy H2 Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

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 EE2 Retention of employment land

Aldingbourne Neighbourhood Plan 2019-31 Policy EE8 Communications infrastructure

Aldingbourne Neighbourhood Plan 2019-31 Policy EH10 'Unlit Village' status

Aldingbourne Neighbourhood Plan 2019-31 Policy EH11 Flint Walls

Aldingbourne Neighbourhood Plan 2019-31 Policy GA1 Promoting sustainable movement

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
SPD13	Arun District Design Guide (SPD) January 2021
SPD8	Areas of Special Character
SPD9	Buildings or Structures of Character

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, 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 70(2) of 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.

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 the development plan due to it meeting the criteria for development outside the Built Up Area Boundary as per ANDP Plan policy EH1.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan other than those discussed in the Conclusions section below.

CONCLUSIONS

PRINCIPLE:

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

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

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

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

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

Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District, through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare this document. The Local Plan is to be subject to a formal review. The ANDP has been reviewed and has allocated additional land for housing (48 new homes).

Policy C SP1 states residential development outside the Built-Up Area Boundary (BUAB) will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. One of these criteria is farm diversification. The Design and Access Statement says the benefits for the farm that will result from the scheme should not be underestimated and that reliance on income generated from other sources is increasingly important to maintain and enhance the sustainability of the farming enterprise. Unlike AL/58/17/PL for a site elsewhere on Sack Lane, no agricultural assessment has been provided to demonstrate the income derived from the development will contribute to the farm. The proposal conflicts with policy C SP1.

Aldingbourne Neighbourhood Development Plan (ANDP):

The new ANDP was made on 14/07/21 and shows the site outside the BUAB. Policy EH1 states development outside this area will be resisted unless providing housing to meet the existing shortfall and where it complies with 7 criteria, these being:

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

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

- (i) The proposal is for only 8 dwellings is small scale and therefore proportionate to the housing supply shortfall defined by the ALP and to the housing needs of Aldingbourne. It is clear that the development could be delivered in the short term.
- (ii) The Landscape Officer states that given suitable landscape mitigation, the proposal could be seen as an improvement to the agricultural hardstanding at present. The application states lighting will be minimal and restricted to in the horseshoe layout. A condition would be imposed to ensure lighting faces downwards in order not to interfere with bat species.
- (iii) The proposal is sensitively designed as houses are in an agricultural style befitting this location and in a horseshoe layout at one end of this site with the other areas returned to grass or left natural.
- (iv) The site is not in the Singleton and Cocking Tunnels Special Area of Conservation (SAC) buffer zone

whilst an ecological survey found the buildings have 'negligible' potential to support roosting bats.

(v) The report concludes although the site will be car reliant, when considering the NPPF as a whole, it is still a sustainable site.

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

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

The National Planning Policy Framework (NPPF):

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

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

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

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

Sustainability:

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

The site is in a semi-rural location towards the end of a long road extending east from the A29. There is no footway along Sack Lane or on the section of the A29 which it adjoins. There is no lighting on Sack Lane/the A29. There are nearby footpaths which provide alternative routes to facilities but these are somewhat circuitous. Notwithstanding this, the location is acceptable having regard to an appeal decision concerning a dairy redevelopment further east along Sack Lane - APP/C3810/W/16/314803. This appeal preceded the aforementioned AL/58/17/PL decision.

The Inspector recognised the appeal site was not particularly well located to promote methods of travel other than by private motor car but considered that the policies in the NPPF must be taken as a whole in order to ascertain what sustainable development means in practice. The Inspector considered it necessary to take account of paragraphs 17, 28 and 34 of the NPPF 2012 (now paragraphs 84, 85 & 105 of the NPPF 2021). He stated although the site was not particularly well located to promote methods of travel other than by private motor car, the relevant paragraphs of the NPPF support economic growth in rural areas and allow consideration of other factors alongside accessibility concerns.

A cycleway from Bognor Regis to the South Downs is proposed in association with the Barnham, Eastergate & Westergate (BEW) strategic housing allocation and the route of this will go through land owned by Lidsey Lodge Farm (the route will run along the northern edge of the land holding). This route

would promote local sustainability providing residents with a safe cycling route towards Bognor Regis.

The proposal should result in economic gains to the farm enterprise (this has not been quantified), to the local/wider economy through spending by residents in the local area, the maintenance/creation of construction jobs and an increase in Council Tax receipts. Social gains result from the provision of new family housing and the increased use of local services and facilities. Environmentally, there would be some impacts on the character of the countryside and to wildlife habitat but this is to be balanced against the existing appearance of the site and the new areas of soft landscaping & wildlife habitat which will result in significant biodiversity net gain.

Conclusion on Matters of Principle:

The principle of development on this countryside site is in conflict with the ALP but in accordance with the ANDP and the conflict between the two would be resolved in favour of the latter.

AGRICULTURAL LAND:

In order to realign/widen the western access and provide a buffer to Knights Quarter (Lidsey Barn), it will be necessary to enlarge the site slightly westwards and this will take up around 336m² (0.0336ha) of land forming the margin of the adjacent arable field.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. The policy preamble to SO DM1 states the supporting documents required by the policy are only required for proposals involving the permanent loss of one hectare or more.

ANDP policy EH3 is relevant and states development proposals affecting best and most versatile agricultural land will be resisted unless it can be demonstrated it supports diversification of an agricultural enterprise or other land-based rural business; or the need for the development clearly outweighs the harm.

The land is likely to fall in grades 1-3 as it is used for the growing of crops, however the area affected is very small and its loss will not significantly affect the farming operation. The harm is also outweighed by the need for more housing in the district. As such, there is no conflict with the relevant policies.

LANDSCAPE & 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 respect the characteristics & natural features of the relevant landscape character areas and aims 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 landscaping proposals.

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

The site is some distance from the South Downs National Park and the Landscape Officer raises no objections in respect of landscape impact stating the potential impact could be blended into the surrounding environment with further thought given to the landscape offer and greening to counteract

this. The landscaping strategy plan proposes new native woodland planting to the open north and west edges of the site (and to fill in any gaps on the east boundary). A condition would be imposed to secure the detail of this.

Unlike with the previous application, this submission includes a tree survey. It was previously identified that there are notable trees in the eastern boundary and these appeared to be well clear of the houses but this could not be confirmed previously. The Tree Survey confirms no harm to important trees or hedges and considers the 4 trees to be lost will be more than compensated for by enhancements. The Councils Tree Officer has not provided any comment but it is clear that none of the trees to be lost are high value or particularly contribute to amenity and so there is no conflict with the relevant policies.

BIODIVERSITY:

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

The application is accompanied by an Ecological Assessment which states that:

- The site buildings have 'negligible' potential to support roosting bats.
- Two buildings were assessed as functioning as occasion barn owl roosts, with very infrequent use.
- Environmental DNA sampling and testing of the wet ditch adjacent to the site confirmed the likely absence of great crested newts.
- No evidence of water voles was recorded within the wet ditch, however suitable habitat is present within close proximity and the species is known to be present within the local area.
- Mitigation and precautionary measures are proposed to avoid impacts on nesting birds, bats, reptiles, water voles and hedgehogs; and
- Recommendations are made with regard to enhancement of the site through native planting, as well as species-specific enhancements for roosting bats and nesting birds.

The Councils Ecologist reviewed this report and raises no objection subject to conditions to secure mitigation, enhancement and precautionary measures.

The proposal will redevelop a site comprising hardstanding, buildings and scrub vegetation with 8 houses at one end and large new areas of grassland and wildlife buffer planting (covering around 50% of the site area). 4 trees are to be lost and will be compensated for by replacement & additional tree planting. The scheme achieves a biodiversity net gain and in addition, conditions would be imposed to secure bat/bird/barn owl/hedgehog nesting boxes. The proposal complies with ALP policy ENV DM5 and ANDP policy EH6.

HERITAGE ASSETS:

The site is adjacent to three locally listed Buildings of Character and lies in an Area of Character. ALP policy HER SP1 states development likely to prejudice heritage assets including Non-Designated Heritage Assets and their settings will be refused. Policy HER DM2 offers protection to the assets themselves and does not set out policy relating to setting. Policy HER DM4 states new development should preserve, and where possible, enhance the special character of designated Areas of Character, retaining buildings and other features such as boundary walls, hedges, trees, railings, open spaces.

ANDP policy EH8 states proposals will be permitted provided they retain the significance of a non-designated heritage asset, including its setting and contribution to local distinctiveness. Existing features should be retained and any harm/loss must be justified by a balanced judgement of harm and the

significance of the asset.

The NPPF provides guidance on how to determine impacts on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. Para 203 states in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicant has not provided a heritage assessment. This was previously stated to be acceptable as the Area of Character and Buildings of Character were designated with the making of the ANDP in July 2021 which was after registration of the previous application. The ANDP does not contain any specific justification for the making of these additional non-designated heritage assets but does state that they meet the published criteria in the ALP. The ANDP notes that the "Lidsey Lodge Farm" BSC is a large Edwardian/Victorian flint farmhouse, and the adjoining "One Hundred" & "Lidsey Lodge Cottage" BSC's are old farm workers cottages.

This proposal will be to better reveal the significance of the adjacent BSC's by removing the modern metal clad storage barns/grain dryer building that screen them from views from the north. The change from significant areas of hardstanding to grass/wildlife habitat enhances the setting of the assets.

There is no direct impact to the BSC's. The houses are at the eastern end of the site well away from the designated BSC's and are designed to respect the local agricultural character using traditional local materials and varied roof heights to create the impression of a farm complex. The proposal ensures compliance with development plan policies by enhancing the site to the benefit of local character. The proposal accords with the guidance in the NPPF and the development plan policies.

ARCHAEOLOGY:

The site is in a designated archaeological notification area. ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based assessment be submitted with the application. The applicant provided an Archaeological Desk Based Assessment Study. The Council's Archaeologist does not object and recommends a condition. On this basis there is no conflict with ALP policy HER DM6.

TRAFFIC, ROAD SAFETY & PARKING:

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

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

WSCC Highways did not object to the previous application arguing the use represents a significant reduction in traffic movements over the grain storage use. The site is a former farmyard and is currently (or was previously) used as a grain store and would have attracted several movements by heavy vehicles. The grain storage infrastructure on site is used by other farms in the farms overall holding located further to the west in West Sussex and Hampshire. The application states that the farm is looking to move the grain storage to a more central location, where it is more convenient and there is less congestion on the surrounding road network. The application states during peak times, such as harvesting grain/maize there are up to 40 grain/crop trailer/tractor/HGV trips an hour coming in and out of Sack Lane and that movements by cars will have less impact on the safety and convenience of the road than the previous use.

The Arun Parking SPD requires 18 allocated spaces and 1.6 visitor spaces (a total of 20). The previous submission showed 18 spaces. This has been increased to 20 and overcomes the previous refusal reason.

The Arun SPD requires cycle storage to cater for 16 cycles. The application states the proposal includes covered storage for 36 cycles but it is not clear where this is to be (whether in the externally accessed garden stores that are in the floorplans or elsewhere) and so it would be necessary to impose a condition to secure this detail.

The significant over provision of cycle storage is a benefit and alongside the now acceptable level of car parking, the proposal now meets the relevant policies.

HOUSING MIX:

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development provide a mix of dwelling types/sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges 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 SHMA identifies a broad mix of market housing by size for the District.

The development is for 4 x 2 bed dwellings (50%), 2 x 2 bed (25%) and 2 x 4 bed (25%). As this excludes 1 bed dwellings it conflicts with SHMA guidance however this is not intended as one rule to cover all sites and the mix is acceptable having regard to the small scale of the development.

HOMES FOR OLDER PEOPLE:

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. This does not mean that it is a requirement of this policy. Lifetime Home standards no longer exist, and the equivalent current standard is contained in part M4 of the Building Regulations.

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

The proposal does not include any provision for M4(2) accommodation however, there is no conflict with policy H2 as it simply states that proposals providing such provision will be supported not that they are required.

CHARACTER & DESIGN:

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

ANDP policy H3 states density should be appropriate to location. Policy H8 requires design of dwellings include things like cycle stores, meter boxes, bin stores, flues/ducts, gutters and communications connections. Conditions would be used to secure broadband connections, cycle stores and bin spaces. The drawings do not show any of the other required features but these would all be required to make the houses useable and there is certainty that the houses will have them.

The National Design Guide (NDG) has full weight as a material consideration in the determination of this application. This states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. The applicant acknowledges this document in their Design & Access Statement.

The Arun Design Guide suggests a density of 5-15 dwellings per hectare in rural locations. The site density of 8.6 accords with this. Page 130 of the Design Guide has a section on rural development. The proposal meets this guidance as the development integrates into the landscape setting through the use of landscape features, proposes a high quality landscape scheme to complement the existing, uses hedges as boundary treatments, uses a simple agricultural building form and traditional materials with the development designed to resemble a small agricultural farm complex and ensures that all parking is in the horseshoe arrangement thus screening them from the wider landscape.

The heights of the buildings are varied to reflect a traditional barn complex with a central two storey barn and lower single storey wings (with accommodation in their roofs). Dormer and velux windows, fenestration, flues and gardens are included but these are reflective of rural farmworker cottages, such as those nearby.

The site comprises at least 7,300m² of concrete & hard surfaced yards and includes buildings and plant with a combined floor area of 3,642m². The development will have a footprint of 1,200m² and externally, some 5,500m² will comprise domestic rear gardens and grassed/landscaped/wildlife areas. This results in a visual improvement to the site and its role in the character of this location.

The development will not harm the character & appearance of the locality and the proposal complies with the relevant design policies as set out above.

RESIDENTIAL AMENITY:

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

- 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 no standards given for either side to side or front to back.

With the dwellings in a horseshoe arrangement, none directly face each other and no rear windows directly face existing neighbours. The closest dwelling is "The Barn" which is single storey and has a single storey garage partially screening its garden. It may be affected by indirect views from the upper floor dormer of plot 8 but as this dwelling also has a flank window, the dormer could be obscure glazed (or its western window pane obscure glazed) by condition to protect privacy of the neighbouring garden.

Knights Quarter (Lidsey Barn) adjoins the existing western access which will be widened to enable use as the site access. The application recognises there may be impact on this property and seeks to move the access away from windows and proposes a hedge some 7m from the dwelling to act as screening and provide noise mitigation. This is an acceptable arrangement.

It is material that redevelopment will have positive impacts on residential amenities of neighbouring properties as a result of:

- the ceasing of industrial style farming activities leading to decreased farm traffic and noise;
- new grassland, trees and other natural habitat; and
- increased natural light to the existing dwellings due to demolition of the adjacent agricultural buildings.

All relationships between proposed/existing and between proposed dwellings are acceptable and ensure a good standard of amenity for existing and future users. The scheme accords with ALP policies D DM1, QE SP1 and with the Design Guide.

INTERNAL & EXTERNAL SPACE STANDARDS:

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 (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. The applicant states the proposal complies with National Internal Space Standards and an assessment of the plans agrees with this assessment:

- plots 1, 3, 6, 8: 130m² vs 79m² requirement;
- plots 2, 7: 140m² vs 102m² requirement; and
- plots 4 & 5: 178m² vs 115m² requirement.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

All houses have a 2m front garden space between the house and parking. Rear gardens are mixed between 9m and 12m and some do not accord with standards. This is acceptable as the Design Guide allows a flexible approach, the gardens are at least as wide as they are deep and garden depths are not required to ensure a plot to plot interface distance. The scheme provides a good standard of amenity for future occupiers.

WASTE MANAGEMENT:

ALP policy WM DM1 states new residential development, will be permitted provided it is designed to ensure kerbside collection is possible for municipal waste vehicles. WSCC Highways did not previously object to the ability of refuse vehicles to access/leave the site in a forward gear. The applicant provided

tracking diagrams to demonstrate this. Plans shows bins will be stored to the side of each building and collected from the parking area. Kerbside collection is how existing properties on Sack Lane are serviced but it would not be appropriate for this development due to the amount of bins and the distance between houses and the road. The proposal complies with policy WM DM1.

LIGHT POLLUTION:

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

The Design & Access Statement states lighting will be restricted to the internal courtyard area, that lamp capacity will not exceed 150 watts per fitting and that they will be fitted with a PIR sensor system. A condition would be imposed to secure details of lighting and ensure it is bat friendly. Overall, the proposal as described would be in accordance with the policies as the proposal will be sensitively designed in view of the semi-rural setting.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on contaminated land as long as remediation is provided. The application is not accompanied by information relating to contamination but given the site is a former farmyard it would be necessary to impose a condition to survey for contamination and propose remediation. Provided the applicant agreed to such a pre-commencement condition, the proposal would be in accordance with the policy.

FLOODING & SURFACE WATER DRAINAGE:

The site is part affected by Flood Zones 2/3 on the east boundary which affects residential gardens in the development. As per the Councils Strategic Flood Risk Assessment, it is predicted that by 2111, the whole site will be in Flood Zone 3. This risk assumes no defences and would only occur if existing sea defences were not maintained. There is a small localised instance of surface water flood risk in the site and a further instance where the ditch meets the eastern access. Sack Lane to the west, particularly where it meets the A29 has a larger risk of surface water flooding.

ALP policy W DM2 refers to the sequential/exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding.

As per national guidance, residential development in Flood Zone 2 is appropriate subject to the sequential assessment (which seeks to steer new development to Flood Zone 1) but in Zone 3, it is to be subject to the exceptions test. As only small parts of gardens will be in areas shown as current Flood Zones 2 or 3 (with the rest of the site including the houses) being solely in Flood Zone 1, it is not necessary to require a sequential assessment based on current flood risk or to apply the exceptions test. The applicant provided a FRA and this has been assessed by the Environment Agency who raise no objections subject to a condition to secure mitigation measures to protect future occupants.

Government guidance states a sequential site assessment is required where a site is at high risk of current or future flooding. Para 162 of the NPPF states the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 159 NPPF states development

'should be made safe for its lifetime without increasing flood risk elsewhere.' Para 33 (Reference ID: 7-033-20140306) of the PPG states it should not normally be necessary to apply the sequential test to development in proposals in FZ1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

The applicant was asked on the first application to provide a sequential assessment to demonstrate there are no other safer locations for the houses. They stated in their FRA that this is not required as the site is wholly elevated above existing & predicted fluvial flood levels and shown to be protected by sea defences for the lifetime of the development. It is the Council's view that a sequential assessment needs to be provided if at the time of the determination of the application, land levels remain in the flood risk zone. Although unlikely, there is no guarantee that sea defences will be maintained such that they still provide the same level of protection in 2111. No sequential assessment was then provided on the second application and this was applied as a refusal reason.

A sequential assessment has been provided. This concludes there are no reasonably available alternative sites in the agreed area of search. This has been accepted and the proposal passes the sequential test.

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.

A drainage strategy has been submitted and proposes to dispose of surface water via permeable paving (which provides water treatment and storage) before discharging at a restricted rate of 2l/s to the watercourse at the north of the site. This approach is agreeable to Council drainage Engineers provided testing is first carried out to rule out infiltration. No objection is raised subject to conditions.

Surface water flooding is not defined in the same way as fluvial/tidal flooding (i.e. is not considered as Flood Zones 1, 2 or 3). The effect of a drainage scheme applied to the site to deal with surface water from the development will take away the small instances of localised surface water flooding in the site area.

As there are no objections to the principle of drainage and that future flood risk has now been appropriately considered, there is no conflict with the relevant drainage policies.

FOUL DRAINAGE:

ALP policy W DM1 and ANDP policy EH5 seek to ensure new developments are served by sufficient foul drainage systems. As there is no public foul sewer on Sack Lane, the application proposes to utilise a package treatment plant with treated effluent discharged to the boundary ditch. This will require separate approval by the Environment Agency but in the absence of the ability to connect to a mains sewer, this is an appropriate solution and there is no conflict with the relevant policies.

TELECOMMUNICATIONS:

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

ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The Parish Council state that the proposal will not contribute to climate change requirements.

The application documents are silent on these policies, however even if they weren't then it would be standard practice to impose a condition to demonstrate the development will achieve energy efficiency measures that reflect the standards applicable at the time of submission and includes the use of renewable energy supply systems. A condition would be imposed requiring electric vehicle charge points to serve the site.

The proposal seeks to turn hard surfaced/built areas into grassland & ecological buffer areas and as such this net gain in greenery will provide climate change benefits such as heat and carbon dioxide absorption. The proposal complies with policies ECC SP1 and ECC SP2.

SUMMARY:

As the Council's HLS is below 3 years (2.42 years), paragraph 14 of the NPPF would not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development. This states at 11 (d) (ii) where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The proposal represents sustainable development and no harm or policy conflicts have been identified that would outweigh the benefits of the application. It is recommended that planning permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

The site is in CIL Zone 3 and would be eligible for CIL but there is no net gain in floor area (1168m² new vs 1442m² existing) and therefore no CIL can be sought.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

LOCATION PLAN.

SITE LAYOUT AND BLOCK PLAN 2020/10/11 REV L.

TREE PROTECTION PLAN BJH 03/04.

PROPOSED UNITS 1 TO 3 GROUND FLOOR PLAN, SOUTH ELEVATION SHEET 1 OF 3 2020/10/16 REV A.

PROPOSED UNITS 1 TO 3 FIRST FLOOR PLAN, NORTH ELEVATION SHEET 2 OF 3 2020/10/17 REV A.

PROPOSED UNITS 1 TO 3 ROOF PLAN, EAST AND WEST ELEVATIONS SHEET 3 OF 3 2020/10/18.

PROPOSED UNITS 4 & 5 GROUND FLOOR PLAN, WEST ELEVATION SHEET 1 OF 3 2020/10/13 REV A.

PROPOSED UNITS 4 & 5 FIRST FLOOR PLAN, EAST ELEVATION SHEET 2 OF 3 2020/10/14 REV A.

PROPOSED UNITS 4 & 5 ROOF PLAN, NORTH AND SOUTH ELEVATIONS SHEET 3 OF 3 2020/10/15.

PROPOSED UNITS 6 TO 8 GROUND FLOOR PLAN AND NORTH ELEVATION SHEET 1 OF 3 2020/10/19.

PROPOSED UNITS 6 TO 8 FIRST FLOOR PLAN, SOUTH ELEVATION SHEET 2 OF 3 2020/10/20.

PROPOSED UNITS 6 TO 8 ROOF PLAN, EAST AND WEST ELEVATIONS SHEET 3 OF 3 2020/10/21.

EXISTING & PROPOSED STREETSCENES.

SITE OVERVIEW 2021-6397-001.

ACCESS OVERVIEW & VISIBILITY SPLAYS 2021-6347-002.

ACCESS VEHICLE SWEPT PATH ANALYSIS 2021-6347-003.

REFUSE VEHICLE SWEPT PATH ANALYSIS 2021-6347-004.

FIRE TENDER VEHICLE SWEPT PATH ANALYSIS 2021-6347-005; and

CAR PARKING VEHICLE SWEPT PATH ANALYSIS 2021-6397-006.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1, ENV DM4, ENV DM5 and T SP1 of the Arun Local

Plan.

- 3 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref D1922/FRA 3.0, 04 June 2021) in respect of the following flood risk mitigation measures it details:

- Finished floor levels shall be set above external ground levels.
- No bedrooms shall be placed on the ground floors; and
- Flood resilient construction methods and flood proofing measures shall be implemented.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the safety of the development and future occupants in accordance with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

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

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

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

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

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

- 7 No demolition or works to the on-site buildings shall take place on the site unless and until (a) a barn owl nest box within 200m of the barn has been sited at least 30 days prior to commencement; and (b) a barn owl survey has been undertaken in order to ensure that barn owls are not present.

If barn owls are present within the buildings then no works can take place to the affected building/s between March to September or any time while the barn owls are nesting.

Reason: To mitigate harm to any barn owls present on the site in accordance with Arun Local Plan policy ENV DM5 and the NPPF. This is required to be a pre-commencement condition because barn owls must be protected during construction.

- 8 All activity at the site is to be carried out in strict accordance with the approved "Arboricultural Constraints Assessment & Tree Constraints & Tree Protection Plans for Lidsey Lodge Farm,

Sack Lane, Lidsey" (letter from Bernie Haverson dated 14/02/22, ref 1229.bjh.let) including the Tree Protection Plan ref BJH 03/04.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan 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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 9 No development shall commence until details of fencing set 5m back from the edge of the ditch have been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall thereafter be implemented in accordance with the approved details and retained in good working order throughout the construction of the development site.

Reason: Water voles use the may use the ditch banks and therefore this is in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because water vole habitat must be protected prior to construction starting.

- 10 No development shall commence until a mitigation and management method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected during construction. This will be secured by fencing to create a buffer of 5m around the retained hedgerows during construction unless such a buffer is not possible due to the position of agreed buildings in which case a reduced buffer will be acceptable. The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

Reason: Bats and Dormice use the hedgerows for foraging, habitat and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

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

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

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

Reason: To ensure that the development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

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

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

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

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

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

- 16 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and

receptors, potentially unacceptable risks arising from contamination at the site.

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

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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

- 17 No development above damp-proof course (DPC) level shall take place until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 18 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a detailed landscaping scheme including details of hard and soft landscaping. This shall be in accordance with the submitted "Landscape Masterplan Strategy" ref LLD2031-LAN-DWG-001 Rev 07 and ensure that at least two native trees are planted for each one lost. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity, heritage and local character in accordance with policies D DM1, HER DM2 and HER DM4 of the Arun Local Plan.

- 20 No development above damp proof course (DPC) level shall take place until details of all new

screen walls and fences have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such screen walls/fences associated with them have been erected. The details to be provided shall ensure that gaps are provided at the bottom of all boundary treatments to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

Reason: In the interests of amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan and the NPPF.

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

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

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

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

- 22 No development above damp proof course (DPC) level shall take place unless and until full details of the placement of 3 no. bat boxes/tubes and 4 no. bird boxes (1 barn owl & 3 swift boxes) on the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall face south/south west and be positioned 3-5m above ground. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

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

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

- 24 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 25 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These parking spaces shall thereafter be retained for their designated use.

Reason: In the interests of road safety and to provide adequate on-site car parking & turning space for the development in accordance with Arun Local Plan policy T SP1.

- 26 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "Access Overview and Visibility Splays" ref 2021-6347-002.

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

- 27 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 28 No external lighting shall be installed on the site unless and until full details (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) have been submitted to and approved in writing by the Local Planning Authority. The submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the site/site environs (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and maintained in accordance with the approved details

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 29 The western half of the first floor south facing dormer window to plot 8 shall at all times be glazed with obscured glass or fitted with obscure film.

Reason: To protect the amenities and privacy of The Barn to the immediate south west in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 30 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal

against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 31 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 32 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 33 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 34 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 35 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 36 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.

- 37 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 38 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.