

REPORT UPDATE

Application No: AL/20/26/PL

Reason for the Update / Changes

Reason for Update/Changes:

The report incorrectly states in the paragraph beginning "NPPF para 89" on page 11 that the land does not represent previously developed land per the NPPF. Whilst tennis courts in the curtilage of residential dwellings are excluded from the definition of previously developed land, this is not the case here. The tennis court is a manmade surface and was constructed as part of the original development of the site including West Barn and the former tourist accommodation. It therefore falls within the curtilage of West Barn and is previously developed land.

On page 7 under the summary of the Ecologist's comments there is a sentence stating, "States there is no need due to scale/development type to carry out an Appropriate Assessment reference the." This should have also included the words "... location within the Singleton and Cocking Tunnels Special Area of Conservation buffer". These words were removed by accident during the review of the report.

The new NPPF was published on 17 August. Policy S5 states that only certain forms of development should be approved outside settlements. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF. The appropriate categories include "development for rural businesses where a location outside settlements is shown to be necessary" and "The redevelopment of previously developed land".

This is different to the policies in the development plan which either do not allow economic development in the countryside (ANDP Policy EH1) or allow economic development where it is an appropriate sized extension of an existing employment site (ALP Policy EMP DM1 (6)). The NPPF states that where development plan policies are materially inconsistent with national decision-making policies in the NPPF, then very low weight should be given to the development plan policies.

Policy E2 of the NPPF states that where a development proposal is required to demonstrate whether an unmet need exists (including under policy S5) then consideration should be given to whether market signals indicate an undersupply of specific types of business land or premises, taking into account the anticipated catchment area for the type of development proposed, the changing needs of different sectors and the availability of suitable existing land and buildings.

This is a speculative application and is not currently associated with a named end user. However, Economic Development Officers confirm that whilst Arun does have an existing supply of office and showroom space, much of it is old and has issues with heat retention and is not completely suitable for modern needs. New space is welcomed, and it is important to note that this is not a brand-new location with there being an existing office building on the site.

The site is previously developed land which is a category of development appropriate in the countryside under Policy S5. Policy L2 states substantial weight should be given to proposals that make better use of vacant and underutilised land. Policy E2 states substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand, and/or adapt. Furthermore, Policy E4 "Rural business development" states that the sustainable growth of

businesses in rural areas should be supported, including through well-designed new buildings.

In short, the NPPF places a strong emphasis on new economic development and on the reuse of previously developed land.

Other relevant NPPF Policies include W4 "Water infrastructure", DP3 "Key principles for well-designed places", TR4 "Street design, access and parking", TR6 "Assessing transport impacts", P3 "Living conditions and pollution", F8 "Sustainable drainage systems and watercourses", N2 "Improving the natural environment", N3 Trees in new development", HE5 "Assessing effects on heritage assets", HE6 "Proposals affecting designated heritage assets", and HE9 "Conservation areas".

Policy S5 states that appropriate development in the countryside should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF. The application of these new policies does not alter the recommendation set out in the report in that no adverse effects have been identified which could outweigh the substantial benefits associated with the proposal.

Officers Comment:

There are no changes to the recommendation or proposed conditions.

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 Planning Permission

REF NO:	AL/20/26/PL
LOCATION:	Land at West Barn Old Dairy Lane Norton PO20 3AF
PROPOSAL:	Demolition of existing tennis court and erection of a commercial building (within Use Class E(g), parking, landscaping and other associated works (resubmission following AL/107/25/PL). This application is a Departure from the Development Plan, may affect the character and appearance of the Norton Lane, Norton Conservation Area and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The building will be 6.5m high to the ridge (4.8m to the eaves) with a footprint of 15m (width) and 36m (length). It has large windows on the western (front), northern and southern elevations. On the eastern elevation (rear) there will be 6 ground floor windows and 2 single doors. In a change to the previous application the first floor north facing window will be high level. The building will be predominantly clad with plastic coated profiled steel sheeting in green to match "West Barn" but there will be vertical timber boarding on the whole of the
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rear and in two locations on the front and above the large windows on the ends. The roof features light grey plastic coated profiled steel sheeting.

36 additional parking spaces are proposed to complement the existing 40 spaces. Two new disabled parking spaces are proposed as well as new electric vehicle charging points (EVCP). Two LGV spaces are to be sited west of West Barn. Previously, the LGV spaces were shown alongside "The Old Stables". New landscaping is proposed to southern and eastern boundaries, in part west of the new parking spaces that extend westwards (past West Barn) and in the central parking area.

The building will be 8.1m from the boundary with the "Old Stables" to the north and 3.5m in from the boundaries with "Harvests"/"New House Farm" to the east. Approximately 0.3m of the rear part of the building will be in the Conservation Area.

SITE AREA

0.22 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

There is a line of mature trees along the southern boundary. To the east of the tennis court there is a Yew hedge along the southern and northern parts of the boundary which is around 1.5m in height.

BOUNDARY TREATMENT

The eastern boundary is part 1m high post & rail but predominantly 1.8m high close boarded. There is also a hedge in part along this boundary. There is post & rail fencing and hedging/trees along the southern boundary. The northern boundary is mixed comprising of a hedge backed by a 1.8m high close boarded fence. There is then a 3m high wire fence behind forming the edge of the tennis court.

SITE CHARACTERISTICS

An area of land associated with a converted former agricultural barn which is in use for B1 office purposes (West Barn). The site is laid out with a single tennis court fringed by a mix of hard landscaping and grass. West Barn has a hard surfaced parking/turning area to the front.

CHARACTER OF LOCALITY

The site is on the western side of the small settlement of Norton and is sandwiched between residential properties, holiday accommodation and West Barn. There is open pasture to the west of the barn. With the exception of the 5 former holiday properties which only have small amenity spaces, the surrounding residential area has a relatively low density with large, detached houses set in spacious gardens.

The site is not wholly in the Conservation Area but a circa 3.7m wide strip of land between the eastern side of the tennis court and the eastern boundary is within this designation. Around 0.3m of the building will sit in the Conservation Area.

RELEVANT SITE HISTORY

AL/107/25/PL	Demolition of existing tennis court and erection of a commercial building (within Use Class E(g)), parking, landscaping and other associated works. This application is a departure from the Development Plan, may affect the character and appearance of the Norton Lane, Norton Conservation Area and is in CIL Zone 3 (Zero Rated) as other development.	Refused 19-01-26
AL/70/20/PL	Residential Mews consisting of 6 No dwellings. This application may affect the Norton Lane, Norton Conservation Area, may affect the setting of a listed building, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable.	Refused 19-02-21 Appeal: Dismissed 14-12-21
AL/59/16/PL	Mews of 6 No.2 storey low rise live work studios. Resubmission of AL/79/14/PL. This application is a Departure from the Development plan & affects the character & appearance of Norton Lane, Norton Conservation Area	NON DET APPEAL 17-02-17 Appeal: Dismissed 10-02-17
AL/79/14/PL	Mews of 6 No. two storey low rise live work studios. This application is a Departure from the Development Plan.	Refused 26-06-15 Appeal: Dismissed 05-02-16
AL/56/13/	Repositioning of north and east site boundaries, additional parking and landscaping, re-location of bin storage area and provision of cycle store detail (resubmission following a grant of planning permission AL/28/12/)	ApproveConditionally 14-11-13
AL/28/12/	Revision to previous approval AL/92/08/ for change of use of existing farm building to office units (B1 Business)	ApproveConditionally 14-06-12
AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-09

The conversion of West Barn was approved in January 2009 (AL/92/08/) and amended in June 2012

(AL/28/12/). The AL/92/08 permission proposed a single tennis court for use by the new tourist accommodation units (approved by AL/92/08). It is believed the conversion was undertaken between June 2012 and July 2013 when AL/56/13/ was submitted for changes to the external areas of the site. The existing site is not subject to conditions controlling hours of use or deliveries

There have been subsequent applications for residential development on the tennis court with all three being refused and dismissed on appeal. The most recent appeal decision (AL/70/20/PL, dismissed in December 2021) was due to the unsustainable location for residential development and harm to the countryside.

AL/107/25/PL was submitted but refused for three reasons:

(1) Insufficient information has been submitted to demonstrate that an acceptable SuDS scheme can be achieved and that there will be no off-site flooding as a result of the development, including no adverse effect on the foul sewage network. The proposal conflicts with Arun Local Plan Policies W DM1, W DM2 and W DM3, Aldingbourne Neighbourhood Development Plan Policy EH5, the National Standards for SuDS, the NPPF, the SuDS Manual and the associated Planning Practice Guidance on Flood Risk and Drainage.

(2) The proposed first floor flank window on the northern elevation will allow for overlooking of the residential property, "The Old Stables" to the north and adversely affect the living conditions of other adjacent residential occupiers in conflict with Arun Local Plan policies QE DM1 and D DM1, and the NPPF.

(3) The use of the two proposed LGV parking spaces will result in noise disturbance, air pollution, and a loss of privacy to the occupants of "The Old Stables". This results in adverse harm to the living conditions of this property in conflict with Arun Local Plan Policies D DM1 and QE SP1 and the NPPF.

REPRESENTATIONS

Aldingbourne Parish Council provided a three-page objection, the following is a summary:

- The site is not accessible by public transport and is an unsustainable location.
- There are significant concerns on the ability of any emergency services to access the area as the road has been blocked numerous times with traffic trying to access the site.
- Building does not preserve/enhance the character, setting and appearance of the Conservation Area.
- Harm to the setting of existing designated and non-designated heritage assets.
- Overdevelopment of a rural site.
- Existing important Flint Walls have been damaged by vehicles accessing the site.
- Inadequate winter groundwater monitoring data; and
- Surface and Foul Water drainage proposals are inadequate.

54 letters of objection have been received, and the following is a summary of the issues raised:

- Inappropriate development in the countryside and a departure from the development plan.
- The site is not allocated for employment use.
- The proposal conflicts with several Arun Local Plan and Aldingbourne Neighbourhood Plan policies.
- Harm to the character of this area.
- Overdevelopment of this quiet rural area.
- Harm to the setting of the Conservation Area.
- Harm to the setting of existing non-designated heritage assets.
- The timber cladding will make little difference to the impact on the Conservation Area.

- Harm to the structure of the listed Letterbox Cottage as it has no foundations therefore is susceptible to vibration from large vehicles using the lane.
- HGV's unloading on Norton Lane obscure views of Letterbox Cottage, harming its setting.
- Any benefits would not outweigh the harm to heritage assets.
- A resident commissioned heritage report finds the proposal to be harmful to the setting of heritage assets concluding less than substantial harm at the lower to middle of the scale, which should be weighted in terms of public benefit.
- Overlooking and loss of light to neighbouring properties, particularly the Old Stables.
- Old Dairy Lane is not suitable for HGV access.
- This will make Norton Lane less safe for pedestrians, horses, and pet cats.
- Cars having to pass parked HGVs on Norton Lane is dangerous.
- Increased surface water runoff/flooding to adjacent land and property.
- Concerns with the drainage proposals and submission content.
- Existing land in Norton is subject to flooding (example given in January 2024).
- No facilities in Norton Lane to support a commercial development of this size.
- Noise disturbance from increased use of the access and the site itself.
- The proposal is speculative and there is no proven local need for the proposal.
- Increased light pollution in the area.
- No parking spaces for HGV's or LGV's
- Tennis court is a permeable surface so the new hard surfaced areas cannot be offset by its removal.
- The small-site drainage exception cannot be used for this proposal.
- The location is not sustainable.
- The applicant does not own all of the land and has not served the correct land ownership certificates.
- A traffic management strategy should be requested for the construction phase.
- No one currently cycles to or from the site.
- Harm to bats and owls.
- Increased fire risk to adjacent property.
- The site is likely contaminated.
- Harm to the viability of the Cart Barn holiday let.
- The removal of the tennis court conflicts with Arun Local Plan policy OSR DM1
- The parking spaces encroach into countryside west of West Barn; and
- Harm to the outlook of the residential properties to the east.

Six letters of support have also been received on grounds of:

- New employment opportunities are needed to support the substantial increase in the population due to the rise in new housing developments.
- Local businesses need to expand and create further employment in the area.
- Will use an unused tennis court and help local businesses.
- It will not affect the local community.
- The investment in the site represents a positive step for the community whilst reinforcing Arun's role in supporting business opportunities that make a real difference to people's lives; and
- West Barn provides a great environment to work in.

COMMENTS ON REPRESENTATIONS RECEIVED:

The letters of support are noted, and they raise valid planning considerations. Objector comments (including from the Parish Council) will be considered elsewhere unless discussed below.

- Whilst it is acknowledged that flint walls are important and some of these may be in the Conservation Area, it would not be appropriate to refuse the application on the basis of damage by existing delivery vehicles or due to the potential for further damage by vehicles associated with the new building. If

damage did occur it would be a result of driver error not the proposed building.

- The Conservation Officer considered the independent heritage assessment. It would be inappropriate to alter a consultation response because someone else has a different opinion, particularly given that the current and previous proposals are almost identical.

- There are no planning policies that prevent speculative development and Arun Local Plan policy EMP DM1 (6) nor Aldingbourne Neighbourhood Plan policies EE1, EE3 require a local need to be proven.

- Two LGV spaces are included but none are provided for HGVs as these vehicles cannot easily enter the site.

- It is accepted that no HGV tracking diagrams have been provided by the applicant (and these were not previously requested by WSCC or ADC either). It was clear from evidence supplied by residents on the previous application that HGVs cannot easily access the site and instead tend to unload on the road (this is an existing situation for the existing businesses). To require tracking diagrams to confirm something that was already well known was not considered a useful exercise - and the residents own study has indeed confirmed that rigid and articulated lorries have difficulties entering and exiting the site.

- WSCC Highways request a condition to secure details of the construction site set up and Environmental Health request a Construction Management Plan but a Traffic Management Plan condition would not be appropriate for a site of this scale.

- The Council's Ecologist advises that there will be no harm to bats or other local wildlife species.

- A contamination condition is recommended by Environmental Health and would be imposed were permission granted.

- The previous application refusals are noted and are material planning considerations but every application has to be considered on its own merits.

- The previous report advised that the most recent residential application at the site was dismissed due to the unsustainable location for new residential development and harm to the countryside. It was not necessary to go into detail of the previous refusal and appeal dismissals.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no response but stated on the previous application that they required conditions to protect existing foul sewers from damage (including from new tree planting) and to secure a surface water drainage scheme. They also requested an informative regarding new foul sewer connections.

PORTSMOUTH WATER - state no objection regarding impacts to groundwater quality, as the location is outside their Source Protection Zone boundaries and on a substantial amount of clay.

WSCC HIGHWAYS - states no objection subject to conditions to secure the car/cycle parking spaces, and to control the construction site set up. States the access is safe, there is sufficient visibility and that the potential increase in vehicle movements can be accommodated into the local highway network without adverse safety impact. Has no objection to parking proposals and advises the site is a sustainable location having regard to local bus services, the ability to cycle to a railway station and the Travel Plan.

Acknowledges that visibility at the access point is not as per Manual for Streets standards. Based on observations made on-site, achievable visibility at the point of access appeared suitable for the context of the road. Acknowledges Bright Plan's Transport Technical Note demonstrates that rigid and articulated lorries have difficulties entering/exiting the site. The applicant confirmed that 7.5 tonne box lorries are mainly used, and these are able to enter the site. Deliveries using larger vehicles (when required) take place on-street and are unloaded into a smaller vehicle, and this existing arrangement has operated for some time. This is an existing practice that shows no evidence of being a highway safety concern. A

review of collision data provided by Sussex Police for the last five years reveals no recorded collisions in the vicinity of the access.

WSCC MINERALS AND WASTE - state no objection on the grounds that the site is previously developed land therefore meets the exemption criteria listed within paragraph 2.4 of the Minerals and Waste Safeguarding Guidance. The proposal would not result in the sterilisation of any significant amount of the safeguarded mineral resource.

WSCC COUNCIL DRAINAGE (as the LLFA) - raise no objection subject to conditions. State the applicant has accounted for the local flood risk issues and surface water drainage at this location.

ADC DRAINAGE - initially objected with reference to several aspects of the National Standards for Sustainable Drainage Systems including the runoff destination, interception drainage, extreme rainfall/flood risk, water quality, and construction/operation details. Following a response from the agent, Engineers advise there are still issues to resolve, notably the drainage design is not sufficiently robust or feasible.

However, Engineers stated that the limited groundwater monitoring data can be accepted as the comparison provided of the existing and proposed paved/drained areas shows either a very small increase or possibly a reduction (when accounting for the previous hardstanding to the south of the proposed building converted to soft landscaping as shown on the landscaping layout).

Engineers advise that from a drainage assessment perspective there is no distinction between permeable surfaces (i.e. the tennis court) and surfaces drained to soakaways in terms of drained area. Permeable surfaces effectively act as individual infiltration blankets. They are not omitted from designs and calculations, and they require their own storage to replicate the absorption function provided by topsoil in soft landscaped areas or 'greenfield' use. The removal of the permeable tennis court is removal of a drained area and is offset from the proposed drained areas when comparing before and after drained areas. The existing stone paved area produces runoff even if not positively drained.

Following submission of amended plans and further calculations, the Council's Engineers wrote in mid-July to state they no longer object and advise three conditions. In summary, they stated:

- On the basis that the net paved/drained area is either a very small increase or possibly a reduction (when accounting for the previous hardstanding to the south of the proposed building converted to soft landscaping as shown on the landscaping layout), they can accept the submitted ground investigation and groundwater monitoring data with a precautionary buffer.
- A further round of infiltration testing was carried out at the correct depth albeit not during the winter. The results showed good rates of infiltration in the shallower subsoil and therefore an additional margin of safety should be applied to mitigate this aspect and further testing at the depth and location of the soakaway should be provided as part of a submission to discharge conditions.
- The increase in hardstanding area is small, and a small sites exception is applicable. Therefore, multifunctional design to improve amenity and biodiversity is not required.

ADC ENVIRONMENTAL HEALTH - no response but stated on the previous application that they raise no objection on the basis that the site is designed so that the noise from plant and the internal use does not exceed 5dB(A) below the background noise level. Requests conditions concerning unexpected contamination, lighting, and construction management.

ADC ECOLOGIST - state no objection subject to conditions to secure the BNG proposals and to control lighting. States there is no need due to scale/development type to carry out an Appropriate Assessment reference the. The submitted report identified no impacts to protected species, and no further surveys

are required. Consideration for installing a biodiverse roof is advised as this has the benefits of optimising the performance of the solar panels and providing BNG.

ADC ECONOMIC DEVELOPMENT - state they have no comment.

ADC CONSERVATION OFFICER - advises no objection. the following is a summary of the response:

- Whilst the building contrasts with traditional buildings along Norton Lane, it reflects the existing modern agricultural/commercial character of the site. Where visible, the use of timber cladding will ensure the building maintains an agricultural appearance, and planting will soften its presence.
- The development should not impact the setting of heritage assets, and as a consequence, there is no harm to their overall significance; and
- The proposal would preserve the significance of heritage assets and the character and appearance of the conservation area. Accordingly, no objection is raised on heritage grounds.

ARUN CONSERVATION AREA ADVISORY PANEL - landscaping proposed help foil views of the building. The structure has been designed to be agricultural in appearance, especially the east elevation, which is appropriate given the rural character of the Conservation Area, its history, and setting. The proposal will have a neutral impact on the character and appearance of the Conservation Area.

COMMENTS ON CONSULTATION RESPONSES:

SOUTHERN WATER - it is not possible to use planning conditions to protect sewers as Southern Water have their own powers to protect their assets.

POLICY CONTEXT

Designations applicable to site:

- Within the Countryside/outside the Built-Up Area Boundary.
- Located in an area with some potential for high groundwater levels.
- Partly within Water Source Protection Zone 2c.
- Flood Zone 1 with no predicted change due to climate change.
- No known/predicted surface water flooding on the site.
- Area of Advert Special Control.
- Adjoins and part within the Norton Lane Conservation Area.
- Potentially affecting the setting of nearby Grade II Listed Buildings.
- Within the Lidsey Wastewater Treatment Plant Catchment Area.
- Within a designated Sharp Sand & Gravel Consultation Area; and
- Within the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees

ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
OSRDM1	Protection open space, outdoor sport, comm, rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
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 EH9	Conservation areas
Aldingbourne Neighbourhood Plan 2019-31 Policy EH12	Protection of bat habitats
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy EE1	Supporting existing employment and retail
Aldingbourne Neighbourhood Plan 2019-31 Policy EE3	Support for new commercial uses

PLANNING POLICY GUIDANCE:

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
SPD2	Conservation Areas

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.

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 the Arun Local Plan concerning the principle of development given it is for economic development in the countryside. Policies in the Aldingbourne Neighbourhood Development Plan (which is the newer of the Plans) are different and do not state approval of the principle of such economic development in the countryside. There is conflict with the development plan as a whole.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal complies with these criteria in that it will not materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan other than as discussed below.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG). The proposal results in a slight loss of habitat on site (minus 0.2 Habitat Units, -19.01%) and, it will be necessary to increase the number of trees (from 22 to 49 would result in a net gain of 0.11 equivalent to 10.52%) or purchase off-site credits. These aspects will be agreed through the discharge of the Gain Plan condition.

CONCLUSIONS

PRINCIPLE:

The site is outside of the built-up area boundary (BUAB) as per either the Arun Local Plan (ALP) or the Aldingbourne Neighbourhood Development Plan (ANDP). It is not allocated for any particular land uses. ALP policy C SP1 states development in the countryside will be supported where it complies with another ALP policy. ALP policy EMP DM1 (3) supports the expansion of existing businesses and this criteria would have been applicable to the previous application (when Biodot were the applicant). Despite this application now being 'speculative', there remains policy support with part (6) of EMP DM1 referring to general economic development in the countryside. It states permission will be granted subject to 8 criteria being met.

Overall, the proposal is in accordance with ALP policy EMP DM1 and is acceptable in principle in this countryside location as per ALP policy C SP1.

ANDP policy EH1 states "Proposals for development of land located to the west of Westergate Street and outside of the BUAB will not be supported." It includes criteria but states these are only applied for residential proposals. The ANDP does not allow for any other forms of development in the countryside. This may not have been the intention but the proposal conflicts with EH1.

Notwithstanding, it is positive that ANDP policy EE1 supports the upgrade or extension of existing employment sites and that policy EE3 generally supports new office development.

SUSTAINABILITY:

ALP policy SD SP1 supports development that is sustainable. ALP policy EMP DM3(6) requires sites be accessible by means other than the private car. ANDP policy GA1 states proposals that increase travel demand will be supported where they are in places accessible to public and community transport.

NPPF para 89 states planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. This site comprises a tennis court and is part of a business site, well related to a small settlement. Whilst the site is not previously developed land as per the NPPF, at the same time it is not undeveloped.

All three appeal decisions were dismissed partly on grounds of environmental harm arising from the poor location in terms of access to local services and facilities including public transport provision. They all concerned residential development, and residential occupiers have a different profile to employees in terms of trip frequency and type. On this basis, the previous dismissals do not establish a precedent for refusal on sustainability grounds.

WSCC Highways state there is a bus stop approximately 500m south of the site on Nyton Road, whilst more regular bus services can be caught from the A29, within walking/cycle distance. They state Barnham Railway Station is within cycling distance. Bus services on Nyton Road are not regular with the 85/85a (Compass) having 5 services a day whilst the 655 (Stagecoach) runs once a day. It is clear there are opportunities to access the site other than by car (by cycle and by the bus service, albeit on an irregular basis). Irrespective of whether anyone would cycle to/from the site or use the bus, the important consideration is that it is possible as an alternative to the private car.

The application includes a Travel Plan which proposes an electric minibus to collect visitors from the railway station and transport them to/from the site. This would reduce the need for private car use. Whilst this is not a particularly well-connected location for development, the NPPF is clear that it is appropriate

to locate business development in such locations. On this basis there are no conflicts with policies.

TRAFFIC & ROAD SAFETY:

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

ALP policy EMP DM3 (6) requires that proposals provides sufficient parking and access arrangements, as well as not intensifying uses at a site to the detriment of existing public access routes and highways. ANDP policy GA3 requires parking be provided to meet current standards.

The site benefits from an existing access and a large car park that serves the current occupiers of West Barn. There is no evidence that the access is unsafe and WSCC Highways raise no objections. It is true that certain large HGVs cannot enter the site due to the width and configuration of the access, but this is an existing situation, and the application does not state a requirement for such large vehicles to do so.

In response to initial questions by WSCC Highways, the applicant stated the largest vehicle presently used for deliveries is a 7.5 tonne box lorry, which is able to access the site. Based on records from the existing businesses, the existing site typically receives the equivalent of 1-2 deliveries per month by a small HGV which can enter the site. On the very rare occasion larger vehicles deliver bulky items, the vehicle would park on the highway and unload into a smaller vehicle for transport into the site. The applicant stated the site receives weekly refuse collections. Until recently this was using a 10.5m refuse vehicle which is able to enter the site but collections by a smaller refuse vehicle have recently been organised. The supporting documents confirm a fire engine can safely access the site.

The resident commissioned Transport Technical Note by Bright Plan states:

- Whilst an allowance has been made for a 7.0m vehicle to turn in the site it is known, and evidenced, that larger HGV classes require access to the site.
- The access geometry, third-party land constraints, and parking in the vicinity of the access is such that it cannot support the majority of HGV vehicle classes (anything over 9.4m length)
- Visibility from the access falls below the requirements of Manual for Streets and HGV servicing from Norton Road will exacerbate this issue resulting in safety concerns; and
- HGV servicing on Norton Lane restricts the operation of the carriageway reducing the space for other large vehicles to pass.

Should an unloading lorry on Norton Lane block access for an emergency vehicle then they would be requested to move. Whilst not an emergency, a refuse vehicle driver could request the lorry driver move to give more space. Cars passing an unloading lorry would be doing so at low speed thus minimising safety concerns. WSCC Highways visited the site, reviewed the Bright Plan Note and do not object.

The proposal includes an additional 36 car parking spaces to cater for demand created by 1,080sqm of class E(g) (old class B1) floorspace. This is in accordance with the Council's Parking Standards SPD.

It is positive that the layout shows 4 accessible parking spaces as this meets the Manual for Streets requirement of 5% accessible spaces (based on the overall total of 76). The proposed larger LGV specific spaces are also positive. Cycle storage is also shown on the layout drawing and the details of this would need to be secured by condition.

The proposal is in accordance with policies listed above. The NPPF 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, following mitigation, would be severe, taking into account all reasonable future scenarios (para 116). In the absence of a highway objection and given the localised nature of the impacts, it is not possible to demonstrate a severe impact on highway safety.

HERITAGE ASSETS:

Approximately 3.7m of the eastern half of the site is within the Conservation Area and around 30cm of the proposed building will sit within it. There are nearby Grade II Listed Buildings at Norton Farmhouse and Letterbox Cottage, and then three locally listed buildings on Norton Lane.

ALP policy HER DM1 requires proposals to protect and enhance the setting of Listed Buildings. ALP policy HER DM3 refers to Conservation Areas and states permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that new buildings acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings. Development should not harm important views in or out of the Area. ALP policy HER SP1 refers to the need to protect the setting of all designated and non-designated heritage assets. ANDP policy EH9 refers to development affecting Conservation Areas and is similar in policy content to the ALP.

Paragraph 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 then requires LPAs to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must then consider the level of harm associated with the proposal and decide whether there is 'no harm', 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 215).

The application includes a heritage statement which concludes the proposals will preserve the significance of the Conservation Area and the listed buildings of Norton Farmhouse and Letterbox Cottage. The Conservation Officer advises the development would not impact the setting of heritage assets and would have a neutral impact on the character of the Conservation Area. As per the NPPF, there is no harm and no need to weigh this up against the public benefits.

Residents commissioned a heritage statement. This concludes differently to the Conservation Officer, stating:

- Noise, dust, vibration, and even light pollution can all contribute to harm to the setting of a heritage asset, as defined by Historic England guidance.
- The existing proposed site currently makes a negative contribution to the setting of the heritage assets and further development is only likely to increase this harm.
- There are no suitable mitigation measures that could be offered.
- The scale, bulk and mass of the proposed development will fail to preserve the significance of the listed buildings and non-designated heritage assets, through increased awareness.
- The proposal by virtue of this increased awareness would harm the setting of the heritage assets and the character and appearance of the Conservation Area; and
- The proposed would therefore cause less than substantial harm at the lower to middle of the scale, which should be weighed against public benefits.

The Conservation Officer has reviewed this report and states:

- The report identifies potential for less than substantial harm at the lower to middle end of the scale.

- However, the site is already developed and forms part of the existing baseline; the report places weight on 'awareness', which does not in itself equate to harm to significance; and limited evidence is provided to demonstrate that the proposal would erode the architectural or historic interest of the assets.
- Concerns have also been raised in relation to vehicles stopping or parking on Norton Lane in proximity to Letterbox Cottage. Whilst these concerns are understood, this is a matter of highway use rather than heritage. The temporary presence of vehicles does not affect the significance of the listed building or the way in which it is experienced and there is no heritage harm; and
- Accordingly, the conclusions of harm in the report are not considered to be robustly justified.

Due to the Conservation Officer identifying no harm, the proposal falls to be determined by policies of the development plan. The building has been designed to have an agricultural appearance and reflects the building on site. The character and appearance of the Conservation Area as a whole will remain unaffected, and its significance will be preserved. There will be no impact on key views in or out of the Conservation Area. The proposal complies with relevant policies.

The most recent appeal for a terrace of 6 two storey dwellings (to a similar maximum height as West Barn) on the tennis court was dismissed solely due to non-heritage reasons with the Inspector stating:

"The proposed dwellings would be constructed on a redundant tennis court, which itself replaced a large agricultural building. I understand that the new houses would be of a similar appearance to the schemes which have been considered as part of the two previous appeals and reflect the design of West Barn. As part of the previous appeals, the Inspectors were satisfied that by virtue of its relationship with West Barn, the proposed terrace would preserve the character and appearance of the conservation area and its setting. Despite subsequent planning policy changes, there are no reasons for me to reach a different view in respect of the effect of the current proposal on the setting of the Norton Conservation Area."

CHARACTER AND 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. They generally require developments to reflect the characteristics of the wider locality, particularly concerning layout, landscaping, density, mix, scale, massing, character, materials, finishes, and architectural details.

ALP policy EMP DM3 (6) sets out the requirement for a high standard of design, layout, and landscaping appropriate to the context. The ANDP policies on character/design only relate to housing applications so are not relevant to this determination.

The building has a functional form/design and will be similar to West Barn in appearance. Following pre-application advice, the applicant amended three elevations to include vertical timber boarding and amended the entirety of the eastern elevation (facing the Conservation Area) to be similarly timber clad. This cladding will be left to silver. The applicant moved the building around 1m further from the eastern boundary and proposed new trees/landscaping to soften it in views from the east and south.

The layout is appropriate given it creates a courtyard feel reminiscent of the time when the site had two barns facing each other with a large yard between. It is clear there are already parking spaces on the western side of the tennis court and whilst the scheme delivers an additional 36 spaces, it predominantly does so by reorganising existing areas of hard standing and making more effective use of the space.

The scheme proposes 8 new parking spaces beyond the western edge of West Barn (6 standard and 2 LGV spaces), and this is a new proposition. A similar number of parking spaces were included in AL/79/14/PL and the Inspectors decision (February 2016) stated:

"In laying out the development to provide sufficient parking, it is proposed to extend that parking beyond the front of West Barn and a short distance into the open countryside beyond. That incursion into the surrounding grazing land would cause harm to the character and appearance of this rural area. Whilst additional landscaping could help to screen the parking, no details have been proposed, and I am not satisfied on the basis of evidence before me that effective landscaping could be secured through a condition."

No landscaping had been proposed on that residential application, but this scheme includes new planting including trees at the western end of these spaces. Additional landscaping is shown in the south-west corner of the site. These elements will help to screen the additional parking spaces and overcome the previous concerns. The landscaping would be controlled by condition.

In summary, the proposal will not cause harm to the character of this area, and the design and layout aspects are acceptable. No relevant policy conflicts are identified.

RESIDENTIAL AMENITY AND NOISE:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. This would include consideration of noise and air pollution where not covered by other specific policies.

ALP policy EMP DM1 (6) requires a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, are protected. In addition, ANDP policy EE1 supports proposals to upgrade or extend existing employment sites but provided that the impact on the amenities of surrounding properties is acceptable. Para 135 of the NPPF states development must ensure a high standard of amenity for existing and future users.

With respect to noise, office/showroom uses are not inherently noisy. The proposal includes plant and air moving equipment. Environmental Health do not object on the grounds that the building and plant will be designed to ensure noise levels will not exceed 5dB(A) above the background noise level. They advised there will be a slight noise increase from vehicles entering/leaving and within the site but only during normal working hours which is acceptable. Subject to the imposition of conditions, there would be no conflict with the requirements of ALP policy QE DM3. The existing site is not subject to conditions controlling hours of use or deliveries and Environmental Health have not requested conditions.

Residents have raised concerns regarding impacts associated with the use of the proposed LGV spaces and with the height of the building and with its windows. The previous scheme included two LGV spaces on the northern side of the building with the northernmost being hard up against the southern boundary of The Old Stable's garden. That boundary comprises a 1.8m high fence with hedging. It was considered that there was potential for drivers sat in vehicles in the LGV spaces to have a view over the boundary and into the adjacent garden. There was also concern that the adjacent property could suffer from noise and fumes from doors slamming and engines running. This formed a previous refusal reason however the applicant has resolved this concern by relocating the LGV spaces to the west of West Barn.

The building is not inappropriately high and the distance from it to the facades of nearby dwellings will ensure no harm from overshadowing.

The proposed windows and doors on the eastern elevation are at ground floor level, and there is a 1.8m high fence along this boundary. This and the proposed new tree planting will be sufficient to screen out any views from the windows. Residents also consider that the building will harm the outlook from these properties however there is no right to a view in the context of planning decisions.

A concern was raised previously about the large first floor window on the north elevation and that this would allow clear elevated views over The Old Stables at a distance of 8m. This was judged to be unacceptable and formed a further refusal reason. The applicant has made this window high level. This coupled with obscure glazing (to be secured by condition) would ensure no demonstrable harm to the amenities of the nearby dwelling.

Overall, the scheme as amended is acceptable in residential amenity terms and subject to appropriate conditions, there are now no policy conflicts.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. ANDP Policy EH10 states development proposals which detract from the unlit environments of the Parish will not be supported.

There is no information on proposed lighting. This is not unexpected given a condition would normally be applied to secure details at a later date. Environmental Health and Ecology officers request a condition. The building will be within an existing site on the edge of a small settlement. Provided the eventual scheme is appropriate and not materially different to existing nearby lighting schemes, then there would be no reason to conclude that in itself the development would result in adverse harm to the South Downs Dark Skies reserve. Subject to further assessment of the lighting scheme in the future, there is no policy conflict.

SURFACE WATER DRAINAGE:

The site is entirely in Flood Zone 1 which is low risk, and this is not expected to change in the future when climate change data is considered. There are no known surface water flood issues on the site of the building.

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 developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide surface water drainage. The "National Standards for Sustainable Drainage Systems" (abbreviated as NSfS) were published in July 2025.

The application is accompanied by surface water proposals which propose discharge to ground via a modular crate storage soakaway. The proposed soakaway has been sized to be larger in plan area and less deep to mitigate the risk of high ground water.

Engineers confirm that the permeable nature of the tennis court is immaterial to the comparison of existing and proposed drained areas. The drainage design has also taken account of the risk that groundwater levels could be higher than as recorded during the tests by making the soakaway less deep (and instead wider in area) - and applying a high safety factor.

Following amendments, the Council's Engineers withdrew their objection. Their comments are summarised elsewhere in this report. They recommend three conditions. Given the absence of objection from WSCC (LLFA) or Arun's engineers, the proposal is in accordance with the relevant policies.

FOUL DRAINAGE:

ALP policy W DM1 states that major development within this area must be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal.

The submission is accompanied by a "Flood Risk Assessment/Drainage Statement/Foul Drainage Impact Assessment" which deals with both aspects and satisfies the policy requirement. Foul sewerage will go to the existing public sewer via the existing system for West Barn. This comprises a gravity-based system to an existing package pumping station, a pumped rising main to a manhole and then a gravity fed drain to Norton Lane. Southern Water previously raised no objections and so the foul sewage proposals are acceptable and there is no conflict with ALP policy W DM1. The impact on the Lidsey Treatment Catchment Area from foul flows has been appropriately assessed.

TREES:

ALP policy ENV DM4 states TPO protected trees, those in ancient woodland, 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 relates to trees and is similar in scope to ENV DM4.

There is a line of mature trees along the southern boundary whilst to the east of the tennis court is a Yew hedge. None are subject to a TPO. The application proposes to remove a group of three 4m high Maple trees (TG10) on the southern edge of the site to enable the car park extensions and drainage works. These are category C trees. It is necessary to place the same hard surfacing, and drainage works in the Root Protection Area (RPA) of a 9m high Ash tree (T08) rated as category B. This is adjacent to TG10. The excavation works will be undertaken by hand with manual tools under arboricultural supervision.

The tree works are minor and will not have a significant impact on local amenity. A condition can be applied to ensure the tree protection measures are followed. The landscaping and Biodiversity Net Gain proposals will ensure compensation for trees that are lost. The benefits of the development outweigh the limited harm to trees and there is no conflict with policy.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ALP policy EMP DM1 (6) requires consideration of the opportunities to deliver on-site habitats and protect key species. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The application includes a Preliminary Ecological Appraisal. The Council's Ecologist found this to be acceptable. No further surveys are requested, and conditions could be imposed to ensure on-site biodiversity net gain (BNG) and an appropriate lighting. It is material that the site has limited habitat value comprising developed land (sealed surfaces), vacant/derelict land, modified grassland, and introduced shrub and trees.

In respect of BNG, the scheme results in a slight loss of habitat on the site (minus 0.2 Habitat Units, - 19.01%) predominantly associated with the loss of grassland and shrubs. It will be necessary to necessary to plant a much greater number of trees, purchase off-site credits to deliver net gain or a combination of both. These aspects can be agreed through discharge of the Gain Plan condition.

CLIMATE CHANGE:

ALP policies ECC SP1 and SP2 require new residential and commercial development be energy efficient, designed to adapt to impacts arising from climate change, and incorporate decentralised,

renewable, & low carbon energy supply systems. The application proposes solar panels on the western facing roof. Subject to a condition to secure the details there is no policy conflict.

SUMMARY:

This report identifies that the proposal is in conflict with the development plan as a whole in respect of development in the countryside (per the policies of the ANDP). However, it would not be appropriate to refuse on the basis of inappropriate development in the countryside unless there is associated harm this report identifies no such harm.

Paragraph 11(d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then permission should be granted unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

There are relevant development plan policies, and they are not out of date as they are in accordance with the NPPF. The proposal makes effective use of land and secures improvement to the appearance of an existing place. It is recommended the application be approved 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

This application is not CIL liable.

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/documents:

1. Location and Block Plan 04 Rev G.
2. Proposed Site Plan 03 Rev H.
3. Proposed Floor Plans and Roof Plan 01 Rev D.
4. Proposed Elevations 02 Rev D.
5. Hard and Softy Landscaping General Arrangement RCo587/02 Rev P05.
6. Flood Risk Assessment/Drainage Statement/Foul Drainage Impact Assessment Rev P05.
7. Proposed Drainage Layout Sheet 1 of 2 P27002-LRW-XX-XX-DR-C-7501-P03.
8. Proposed Drainage Layout Sheet 2 of 2 P27002-LRW-XX-XX-DR-C-7502-P05; and
9. Hydraulic Calculations P04 dated 10.06.2026.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies C SP1, D DM1, HER DM3, HER SP1, QE SP1, T SP1 and W DM3.

- 3 The building shall be used for office, research and development or light industrial purposes within use class E(g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun Local Plan policies C SP1, D DM1, QE SP1 and T SP1.

- 4 All activity at the site is to be carried out in strict accordance with the submitted Arboriculture Impact Assessment & Method Statement ref RCo587 Rev 03, 20/10/25 and the accompanying Tree Protection Plan ref RCo587/01 Rev 03.

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.

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 shall take place, until a Construction and Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways, and the Council's

Environmental Health Officer). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

1. The anticipated, number, frequency, types, and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable).
2. Provision of wheel washing facilities (details of their operation and location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders).
3. Details of street sweeping.
4. Details of a means of suppressing dust and dirt arising from the development.
5. A scheme for recycling/disposing of waste resulting from demolition and construction works (i.e., no burning permitted).
6. Details of all proposed external lighting to be used during construction (including location, height, type and direction of light sources and intensity of illumination).
7. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.
8. Details of areas to be used for the storage of plant and materials associated with the development.
9. Details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays and facilities for public viewing, where appropriate).
10. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
11. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works.
12. Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.
13. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

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 work on Sunday or Bank/Public Holidays.

Reason: In the interests of the safety/amenity of nearby residents and occupiers of any nearby noise sensitive premises, the safety and general amenities of the area, and in the interests of highway safety in accordance with Arun Local Plan policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 6 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the Local Planning Authority.

The full details submitted for approval shall include:

1. Detailed drainage plans conforming to Local Planning Authority guidance,
2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
3. Infiltration testing strictly in accordance with BRE DG 365 or Ciria R156 Guidance,
4. Impermeable area plan,
5. Calculations modelling the surface water drainage network for the following storm events: a.) 100% Annual Exceedance Probability, b.) 10% AEP + climate change allowance, c.) 3.3% AEP + climate change allowance, and d.) 1% AEP + climate change allowance. All storm events must include an allowance for urban creep and surcharged outfalls where appropriate.

The scheme shall then be constructed as per the approved plans. No building shall be occupied until the complete surface water drainage system serving that building has been implemented in accordance with the agreed details. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority. The Local Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and the NPPF. 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.

- 7 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 Arun Local Plan policies W DM1, W DM2 and W DM3. 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.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the adjoining Conservation Area by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policies D DM1, HER SP1 and HER DM3.

- 9 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained. The proposals shall include the provision of suitably mature trees, particularly along the eastern boundary, to ensure that the landscaping is effective in the short to medium term. 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, the environment and the setting of the adjoining Conservation Area in accordance with Arun Local Plan policies D DM1 and HER DM3.

- 10 At least 10% of the energy supply of the development shall be secured from on-site decentralised, renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by the Local Planning Authority before any development above damp-proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure the generation of on site renewable energy to meet the predicted demand in accordance with national planning policy, and with Arun Local Plan policy ECC SP2.

- 11 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

- 12 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 to be submitted to and approved in writing 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.

- 13 The development hereby approved shall not be occupied until all the works which form part of the scheme, for protecting the adjacent residential properties from noise associated with new plant, as approved by the Local Planning Authority under the Acoustic Impact Report by Hawkins Environmental (ref H4551-NV-v5, 24/03/26) have been completed and are fully operational. The approved scheme shall be thereafter maintained in good working order in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policies QE DM1 and QE SP1.

- 14 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained and in accordance

with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3.

- 15 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: 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 in accordance with Arun Local Plan policies QE SP1, QE DM2, T SP1 and ENV DM5.

- 16 The first floor high level window on the northern elevation of the building shall at all times be glazed with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and fixed to be permanently non-opening. This arrangement shall be permanently retained thereafter.

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

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the approved building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In order to control the development in the interests of the setting of the nearby heritage assets and the amenities of nearby residents in accordance with Arun Local Plan policies D DM1, HER DM3, HER SP1 and QE SP1.

- 18 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority)

shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 19 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 20 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 NPPF.

- 21 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition.

- 22 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, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> 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. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year + climate change allowance storm event on site.

Suitable water treatment is required upstream to the point of discharge in all circumstances to

minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design.

Designers are guided to refer to 'Sustainable drainage systems: non-statutory technical standards' and The SuDS Manual by CIRIA as these guide our decisions about the design, maintenance, and operation of sustainable drainage systems. Supplementary guidance notes and design checklists regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> and <https://www.arun.gov.uk/surfacewater> on Arun District Council's website

- 23 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.
- 24 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 25 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.