

Recommendation Report for Outline Consent

REF NO:	AL/21/20/OUT
LOCATION:	Land North of Lee's Yard Lidsey Road Woodgate PO20 3SU
PROPOSAL:	Outline application with some matters reserved for the erection of 38 No. dwellings consisting of 5 No. 4-bed house, 14 No. 3-bed houses & 19 No. 2-bed houses, with communal work hub & associated car parking & landscaping (resubmission following AL/57/18/OUT). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The scheme is in outline with all matters reserved except access. It is proposed to develop the site with 38 dwellings. The scheme proposes to upgrade the field access from the caravan park access driveway and alter the road layout there so that the caravan park access comes off the access into the site with a new junction. A new footway is proposed up to Lidsey Road and that to the north will link in with the pavement. An illustrative layout has indicates a scheme of 26 two storey open market houses, 12 two storey affordable houses and a single storey communal hub set within a central communal open space area.
SITE AREA	1.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	25.3 dwellings per hectare (dph).
TOPOGRAPHY	Predominantly flat.
TREES	No significant trees in the field but some forming part of the site boundaries with a minimum of 3m height but higher in places. There is a 3-4m high Fir tree on the north of the site set in from the boundary. There is a small area of the site interior at the north eastern corner enclosed by 1.7m high coniferous hedging.
BOUNDARY TREATMENT	Boundaries predominantly consist of hedging/trees of at least 3m but there was also a 1.8-2m high close boarded fence visible to part of the southern boundary with Lee's Yard.
SITE CHARACTERISTICS	Vacant pasture land occasionally grazed for maintenance, although the site is separated from any wider agricultural landholding. The site has strong boundary planting on all sides provided by mature conifer hedging, with some deciduous trees and hedgerows intermixed or adjacent. Part of the site along the north boundary contains an area of taller

grasses and wild plants and there is evidence of use as an informal allotment. There was evidence of moles in the site and it is considered that the hedges/trees may support wildlife species.

CHARACTER OF LOCALITY

Semi-rural with some houses either side of the A29. There is a caravan park located to the east and an industrial use ('Lees Yard') to the south. The site fronts the A29 and is accessed through a pair of field gates at the north western corner.

There is a public house and a small convenience store a short walk to the north, with the latter to the north of the railway crossing. Adjacent to the north boundary is the access road for the caravan park. There are predominately one and a half storey dwellings along Lidsey Road (north west) and Woodgate Close (north) but some roofs of those on Woodgate Close are visible above the boundaries from within the site.

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

RELEVANT SITE HISTORY

AL/57/18/OUT	Outline application with some matters reserved (appearance only) for the erection of 30 No. dwellings consisting of 4 No. 4-bed houses, 10 No. 3-bed houses, 4 No. 3-bed apartments, 8 No. 2-bed apartments & 4 No. 1-bed apartments, communal work hub with associated car parking & landscaping. This application is a Departure from the Development Plan.	Refused 13-03-19
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Pre-application advice (2016) was sought for a scheme of sheltered housing, mixed tenure residential dwellings including affordable and lifetime homes and the provision of private and public open amenity space. The officer commented in respect of design that "The proposed layout and examples of 'eco-build' style dwellings indicate that the proposal would be of a high standard of design in relation to innovation, solar gain and energy efficiency, which would be welcomed and in accordance with policies of the emerging Local Plan".

The officer concluded an application would likely be refused on the grounds that development would be in an unsustainable location and not provide development sufficiently accessible to local services, which would encourage travel by car, impacting adversely on the use of natural resources and the need to adapt to climate change.

The officer went on to say that the applicant should bear in mind that the sustainability of the site may improve if the proposed Barnham/Eastergate/Westergate allocation is brought forward for development (as outlined in Policy H SP1 of the Arun Local Plan Publication Version (2014)). The allocation would mean that community, health, education and retail facilities would be provided at a new local centre,

which, depending on where it is located in relation to the site, may have the potential to improve the sustainability of the site as a location for housing. Alternatively, a different use could be explored for the site, such as small-scale, sensitively designed, tourism accommodation.

AL/57/18/OUT was submitted following this advice and sought permission for the principle of the development alongside details of layout, access, landscaping and scale (with external appearance as the sole reserved matter). This was refused for 7 reasons in March 2019 with the officer concluding:

"Overall, the principle of development on this site is contrary to the development plan in respect of the site's location within defined countryside. It is accepted that the Council's current 5.3 year housing land supply (as set out in the ALP) is partially reliant on additional housing land being identified through either a review of Neighbourhood Plans or through a Non-Strategic Site Allocations Development Plan Document (DPD).

Despite this site having previously been considered deliverable through the HELAA process and despite its relatively sustainable nature, it remains outside of the development boundary and is clearly opposed by the Aldingbourne Parish Council. Furthermore, the land has agricultural value and it is not considered that there is currently sufficient justification to override this policy objection.

In addition to the countryside location, the above analysis has found that the proposed scheme by virtue of its layout and design would fail to reflect the character of the local area and would not therefore accord with the good design principles in the NPPF or with adopted development plan policy.

Although the applicant may have been willing to enter into a legal agreement to secure the affordable housing, play/public open space facilities & maintenance and the education, library and fire contributions, they had been reluctant to agree to the strategic transport contribution. It was for this reason plus the Council's significant concerns with the scheme itself that no legal agreement process was started and hence why there is also a need for refusal reasons covering these matters."

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

SUPPORT - development is consistent with emerging Aldingbourne Neighbourhood (Review) Plan. Request the S.106 ensure that the affordable housing is consistent with the advice recently submitted by the "Aldingbourne, Barnham & Eastergate Community Land Trust" (ABE CLT). Request consultation on materials at the Reserved Matters stage.

4 letters of objection and 2 letters of support (both from the ABE CLT). The objections are on the following basis:

- (1) Increased traffic creates difficulties accessing the A29;
- (2) Increased potential for safety conflicts between cars associated with this site and large vehicles accessing Lees Yard;
- (3) Figures given for traffic flows and train frequencies are factually incorrect;
- (4) Unsustainable site (note the local shop has closed);
- (5) Noise from Lees Yard will harm residential properties and put pressure back on Lees Yard;
- (6) Insufficient local infrastructure;
- (7) Overlooking of houses to the north;
- (8) Harm to wildlife present on the site;

- (9) Hedge along northern boundary must be retained; and
- (10) Trees & shrubs associated with 5 Woodgate Close must be retained.

The ABE CLT letters state that:

- (a) Support general concept of application and the commitment shown by the applicants to provide a small development which fosters a sense of community, with affordable housing to meet the needs of local people and a small "hub" as a shared space;
- (b) Request that the S.106 specify that affordable housing is to be prioritised to people living or working locally, or with a strong local family connection;
- (c) The freehold provision of the affordable housing should go to the ABE CLT;
- (d) The supporting documents reflect the applicant's commitment to working with the ABE CLT;
- (e) Had some concerns with the housing mix;
- (f) Have concerns with centralisation of the affordable housing units;
- (g) Support the proposed green space, biodiversity & drainage provision;
- (h) Have concerns with low parking provision;
- (i) Request connectivity with the proposed Barnham - Westergate cycle link;
- (j) Have concerns re maintenance access to the pond and use of porous paving; and
- (k) Have concerns with future management of communal areas;

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted and the Council is seeking to involve the ABE CLT in the S.106 process.

Objections (1), (2), (4), (5), (6), (7) & (8) are considered in the conclusions section. The following comments are made in respect of the others:

- (3) Noted but the comment does not expand on this or offer any different frequencies. Also WSCC Highways have accepted the information submitted by the applicant;
- (9) The application is in outline and matters of layout are not being agreed therefore this permission does not authorise removal of hedgerows; and
- (10) Planning and land ownership issues are separate matters. The applicant would need the approval of other land owners if works were required to such other land.

The following comments are offered in response to the letters of the ABE CLT:

- (a) Noted;
- (b) & (c) This has been actioned;
- (d) Noted;
- (e) These have been resolved as the housing mix has been agreed with the preferred affordable housing provider;
- (f) Layout/other details are not being agreed by this permission and these will be agreed at reserved matters stage;
- (g) Noted;
- (h) As (f);
- (i) It is not clear what the route of this will take. As all surrounding land is built on, it would be extremely difficult for this to pass through the site. The site access will provide pedestrian access onto the A29 footway;
- (j) As (f); and
- (k) As (f).

CONSULTATIONS

Southern Water Planning
 WSCC Strategic Planning
 Highways England
 Arboriculturist
 Parks and Landscapes
 NHS Coastal West Sussex CCG
 Sussex Police-Community Safety
 Environmental Health
 Engineering Services Manager
 Engineers (Drainage)
 Strategic Projects
 Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection on the basis the proposal, in isolation, will not materially affect the safety, reliability and/or operation of the strategic road network.

SOUTHERN WATER - no objection subject to the imposition of a condition and an informative.

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

WSCC HIGHWAYS - no objection subject to conditions. State that:

- The Transport Statement has been resubmitted and not updated to reflect the revised quantum of development;
- The site benefits from a dedicated right turn into the site from the A29;
- The applicant proposes to amend the field access from the caravan park access road into one providing priority to the application site;
- The access will be 6m wide with a footway on the northern side;
- A Road Safety Audit (RSA) has been undertaken in association with the previous application which identified one issue of pedestrian crossings to which the designer accepted the issue;
- The site provides safe & sustainable access for pedestrians and no offsite improvements are required;
- The site would generate 13 two-way trips in the AM peak and 20 in the PM peak;
- The trip generation is thought to be on the low side when compared to other local applications however given the scale of the development this would not have a significant impact on the overall generation of the site within the peak hours;
- The increase in trips would not result in a severe impact on the local highway network or the operation of the Woodgate level crossing;
- Whilst parking is a reserved matter, the indicative layout shows an under provision;
- Whilst layout is a reserved matter, vehicle tracking for a refuse vehicle has been provided and is accepted; and
- ADC should consider if the application should make a strategic transport contribution as per the request to the previous application.

COUNCILS ECOLOGIST - No objection subject to conditions/informatives re the potential for a bat roost

in T01, nesting birds and the implementation of biodiversity net gain measures (the principle of the proposed measures are agreed).

ADC HOUSING STRATEGY & ENABLING MANAGER - no objection to affordable housing provision & mix.

ADC DRAINAGE ENGINEERS - no objection subject to conditions. There is an area of surface water flood risk to the east and any proposals will need to be accompanied by evidence that development will not increase flood risk elsewhere and the risk to the development is reduced (e.g. finished floor levels set appropriately). Note a watercourse running to the east and no development should occur within 3m of this. Discharge to this will not be acceptable unless proven that infiltration is not viable.

ADC GREENSPACE - no objection subject to details of landscaping mitigation being provided at the Reserved Matters stage. The development would require the provision of onsite POS minimum area of 2,675m² and the provision of an on-site Local Equipped Area for Play (LEAP) of 460m². Provisions will need to be made for future maintenance of these areas. State that it may not be acceptable to have a pond in the POS and this will need to be agreed at the detailed RM application stage.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions to secure electric vehicle charging points, a construction environmental management plan, details of new lighting, noise protection and contamination surveys. Request that construction hours be controlled. States that air quality should be considered at the design stage.

COMMENTS ON CONSULTATION RESPONSES:

WSCC HIGHWAYS - the applicants submitted an updated Transport Statement which WSCC reviewed (no further comments). ADC is unable to secure off-site contributions through a S.106 due to the site being eligible for CIL.

ADC HOUSING STRATEGY & ENABLING MANAGER - Affordable Housing will be secured through a S106 Legal Agreement.

ADC GREENSPACE - POS and play requirements will be secured through a S106 Legal Agreement. The detail of these areas will be considered at the Reserved Matters application stage.

POLICY CONTEXT

Designations applicable to site:

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

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
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
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
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 2016 POLICY EH1](#)

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH3

Best and most versatile resisted unless...

Development on Agricultural Land

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Development in Flood risk areas will not be supported unless...

Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY H1	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H2	New housing or altering dwellings
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H4	Range of house types
Aldingbourne Neighbourhood Plan 2016 POLICY H7	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H9	10 or more to include 40% unless unviable
Aldingbourne Neighbourhood Plan 2016 POLICY EE8	Affordable Housing
Aldingbourne Neighbourhood Plan 2016 POLICY LC3	No support development near noisy business
	Development in the vicinity of business
	Dwellings must have adequate private or shared amenity.
	Outdoor space
	Items to consider e.g. - bin stores
	Attention to detail
	Communications infrastructure
	Provision of buildings for community use

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with the Arun Local Plan (policies C SP1, SO DM1) and the Aldingbourne Neighbourhood Development Plan (policies EH1, EH3) as the site lies outside the built up area boundary where development is generally not allowed and the development would lead to the loss of high grade agricultural land.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan as detailed in the conclusion section.

CONCLUSIONS

PROPOSAL & PRINCIPLE:

This is an outline application with means of access details only. An indicative layout was submitted demonstrating 38 dwellings can be provided with access roads, footpaths, public open space, community hub building, parking and landscaping; siting/layout is not a matter for determination at this time.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Aldingbourne Neighbourhood Development Plan adopted in November 2016 ("ANDP") and the West Sussex Waste and Minerals Plans.

However, 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". Any conflict between the ANDP and the ALP, should therefore be resolved in favour of the latter.

Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently only 2.9 years). Policies in

the ANDP that relate to the supply of housing (EH1) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan the draft policies in the 2014 publication version of the then emerging ALP.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan (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. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is in walking distance of bus stops, a pub, primary school and a shop*. Buses enable longer journeys to Bognor Regis (where there is a mainline railway station and large supermarkets) or Westergate/Eastergate (where there are two further shops and a secondary school).

Various localised sustainable transport improvements have been secured by the outline approval of the site opposite ("Wings Nursery"), including:

- a widened footway on the western side of the A29 from the main (southern) site access up-to the southern edge of the car park serving the Prince of Wales Public House;
- a footway on the east side of road taken from junction of the Willows Caravan Park (the access to the AL/57/18/OUT site) access road to Lee's Yard; and
- Bus stops, shelters and real-time passenger information contribution (and/or works).

This application proposes new footway to link to the existing to the north of the access thus facilitating pedestrian movements from the site.

* It is noted that an objector states that the local shop at the Level Crossing has closed. Whilst it closed in March 2020, it is due to reopen. There was an application for an extension to the shop (AL/53/20/PL) which further suggests that it will reopen.

The site is considered to be in a sustainable location.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. As this site is outside the BUAB, it is in the countryside and the scheme would conflict with ALP policy C SP1.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a 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" (NSS-DPD). However, this document has been cancelled in favour of a review of the ALP and although Aldingbourne Parish Council are working on a review of their Neighbourhood Plan, this has not yet reached the stage where the Plan should be taken into account.

As this site lies outside the nearest BUAB, it is categorised as being in the countryside and the scheme would conflict with ALP policy C SP1.

The Aldingbourne Neighbourhood Development Plan (ANDP):

Map E of the ANDP includes a BUAB drawn around the settlement of Westergate. The southern extent of this is residential development on the opposite side of the caravan park access drive to the north of the site. The site is clearly outside of the BUAB and is therefore classified as countryside.

ANDP Policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites in the built up area boundary. Policy GA1 states proposals that increase travel demand are to be located in places accessible to public and community transport. It is not considered (see above) this is an unsustainable location for development.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot demonstrate a 5-year Housing Land Supply (HLS) and para 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), 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.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii) test will be applied at the end of this report.

Other Material Considerations:

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

(1) The Council's Current Housing Land Supply (HLS) Position

On 12 February 2020, following appeal APP/C3810/W/19/3236911 a Planning Inspector considered the authority was able to demonstrate a 2.9 years HLS. In February 2020, the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The above appeal position reflects this buffer.

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will

help to maintain delivery rates and this may have to include sites outside the built up area boundary. It would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

This site (WE8) is shown in the 2019 HELAA and considered to be deliverable. The HELAA notes that development would contravene policy and would not be considered to be suitable. It goes on to state the site is considered suitable in principle for future housing potential, because of its accessibility to facilities, job opportunities & public transport and because there are no insurmountable constraints.

(2) Planning History

Weight should be given to a decision to grant outline permission for the site on the opposite side of the A29 (Wings Nursery) under AL/32/19/OUT. It is not considered there are any material differences between the location of the application and that of the site opposite. Therefore, it would be appropriate to follow that decision.

(3) Site Location

The site lies in a pocket of 'countryside' with settlement designations (BUAB) to the immediate north (already built up) and south (allocated for future development as part of the BEW "Barnham, Eastergate, Westergate" strategic allocation). The caravan park to the east is excluded from the BUAB but the land east of the Caravan Park is also part of the strategic allocation.

Conclusion on Matters of Principle:

The principle of development is contrary to policies in the development plan. The policies of the ALP and ANDP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. This application should not be determined as being unacceptable in principle and the development of this countryside site can be considered acceptable subject to assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

AGRICULTURAL LAND:

The site is not currently used for agriculture and shares no boundaries with agricultural land. However, it is designated as grade 2 agricultural land as per the "Post 1988 Agricultural Land Classification (England)" dataset. This dataset is based on paper maps and survey reports for individual sites surveyed in detail between 1989 and 1999 by the Ministry of Agriculture, Fisheries & Food (MAFF).

ANDP Policy EH3 states that: "Proposals for development on the 'best and most versatile' agricultural land shown on Map B, the latest available Defra Agricultural Land Classification Map, will be resisted unless it can be demonstrated that it would meet the following criteria: (1) It supports the diversification of an agricultural enterprise or other land-based rural business; or (2) The need for the development clearly outweighs the harm".

ALP policy SO DM1 states that: "Unless designated by this Plan or a Neighbourhood Development Plan, 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 need for the development outweighs the need to protect such land in the long term."

In allowing the appeal at Clays Farm, Yapton which concerned a refusal on loss of grade 2 agricultural

land (Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector considered the loss of the grade 2 agricultural land to represent only moderate harm. The Inspector decided the benefits of the proposal including the economic & social benefits alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the grade 2 land. The appeal was allowed. This appeal shares similarities with this application and it is considered that a similar conclusion could be reached.

The need for this housing development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is not currently used for agriculture and there is no realistic possibility of it being so used. This echoes the approach taken by the appeal Inspector concerning the site at Clays Farm.

Policy SO DM1 makes it clear that in order to outweigh the loss of the agricultural land, criteria (a) to (c) should be met. The applicant acknowledges these criteria but contends the site is practically no longer suitable or viable for an agricultural use and is located adjacent to an existing settlement boundary; as such the site is a better and more sustainable location for housing development than agricultural land. They note other land, further from existing settlements, would have far greater benefits in terms of ecosystems services as part of a wider network of connected, undeveloped land. In addition, they contend that the policy is out of date as the Council cannot demonstrate 5-year supply of housing land.

Policy SO DM1 states if development is to be permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the site. The applicant has not provided these however it is appropriate to request this through the discharge of a planning condition in order to ensure compliance with this part of policy SO DM1.

Although the proposal conflicts with policy SO DM1 in respect of criteria (a) to (c), officers are of the view that the conflict with the policy is outweighed by the need for new housing in a sustainable location in order to boost the Council's current housing land supply (HLS) shortage when considering the Plan as a whole and the fact that the site is not in agricultural use with little to no prospect of being so in the future.

CHARACTER AND DESIGN:

Policy D DM1 of the ALP requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

ANDP policy H3 is relevant at outline stage and states the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties. Para 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states planning decisions should support development that makes efficient use of land but the desirability

of maintaining an area's prevailing character and setting should be considered.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. Although an indicative layout is provided it is not possible to determine the application on the basis of this but it would be appropriate at this time to assess whether residential development in this location would be acceptable in the context of the character of the locality.

The previous application was partly refused on grounds that the layout/design were not in character with the surrounding form of development. Unlike the previous application, this application reserves matters of design and layout for a future reserved matters application. Although a similar indicative layout has been provided, the layout is not currently being proposed and the Council can make a decision on this application without agreeing to a specific design scheme.

The site is surrounded on three sides by development with houses to the north, a caravan park to the east and industrial buildings to the south. The Council agreed to residential development of the field on the opposite side of the A29. This is considered to be an appropriate location for new housing development and provided that the future reserved matters application includes a layout and design that reflects local character, then there will no harm to local character. The development has a density of around 25 dwellings per hectare inclusive of open space and this is not considered to be excessive. It is also noted that the proposal for 38 dwellings is similar to the yield suggested in the HELAA (37).

It is not considered there will be a significant change to the character of this location and any visual impact could be further mitigated by retaining the existing planting along the road frontage thus preserving the natural 'feel' of the site frontage.

The applicant states that the National Design Guide has been taken into account but does not provide any commentary on the document. However, it is considered that the proposal has the potential to comply with the guidance as follows:

1. Context - The site is in a sustainable location and in an area characterised by existing development with a mix of design and scale. There is scope for the proposal to be developed to respect the surrounding built development and the wider landscape - and the Council will ensure this through the Reserved Matters determination;
2. Identity - The scheme will be developed at the detail stage to ensure that it respects and harmonises as far as possible with the surrounding built development;
3. Built Form - The scheme will be developed at the detail stage to have a legible layout and reflect basic 'secure by design' principles;
4. Movement - The scheme will be developed at the detail stage to provide improved pedestrian routes to encourage pedestrian movements and access to existing bus stops. It will deliver a clear pattern of streets that is safe and accessible for all;
5. Nature - The high value trees and landscape planting will be retained and reinforced with new planting wherever possible. Wildlife enhancements will be provided to encourage on site biodiversity;
6. Public Spaces - Public open space will be provided and the development will include a range of dwellings and tenures including affordable housing to ensure the development is socially inclusive;
7. Uses - The scheme will be developed to integrate a mix of housing tenures and types to suit people at

all stages of life;

8. Homes & Buildings - The dwellings will be well-related to external amenity and public space and built to the national internal space standards;

9. Resources - The layout will be developed to pay regard to the need to maximise solar gain and prevent overlooking & overshadowing. The houses will be built to a high standard of sustainable construction; and

10. Lifespan - The houses will be built to last using high quality materials and will allow for future home working/other changes in personal circumstances.

The proposal results in a change to the character of the locality but it is not considered that the change will be particularly harmful and, on the grounds of density and character, the proposal would not conflict with development plan policies.

HIGHWAYS AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". Policy T DM1 requires development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above and it is clear that they have no concerns with the development and do not consider it to adversely affect the safety or convenience of the highway network. The proposal has been subject to a Road Safety Audit (RSA) and the only recommendation of that has been accepted by the designer. The proposal improves pedestrian access from the site/the adjacent caravan park onto existing footway to the north of the site

As layout is a reserved matter and there are no details as to the size of the houses or the exact form of parking provision, it is not appropriate to consider parking provision at this time. Instead compliance with the Arun Parking Standards SPD will be considered at the reserved matters stage.

County Highways do not consider that the proposals have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal. On this basis, the proposal accords with the relevant development plan policies.

TREES:

ALP Policy ENV DM4 states that: "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

ANDP policy EH6 states that development that damages or results in the loss of trees of arboricultural and amenity value will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss.

The Councils Tree Officer has not responded and did not respond on the previous application. As layout and landscaping are reserved matters, and in approving this application, the Council would not be sanctioning damage to trees, it is not considered necessary for this advice to be received. It would be more appropriate for the Tree Officer to be involved at reserved matters stage when the impact of development on trees can be fully assessed.

On this basis, the development broadly complies with the relevant policies but that a more thorough analysis will be required at the reserved matters stage.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)." The site is not designated as part of a biodiversity corridors therefore ANDP policy EH2 is not relevant.

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by a Preliminary Ecological Appraisal Report and a separate Reptile Presence/Absence Survey Report. The Councils ecologist has reviewed these and advises no objections subject to conditions to secure various mitigation measures. In respect of biodiversity net gain, the ecologist agrees with the measures set out in the Ecological Appraisal Report and requests that these be secured by planning condition.

The site falls in the 12km buffer of the Singleton & Cocking Tunnels Special Area of Conservation. ALP policy ENV DM1 is of general relevance but policy SD10 of the South Downs National Park Local Plan provides more specific policy and advises that in the 12km buffer, significant impacts on bats or severance of flight lines should be considered. As layout is a reserved matter, it would be more appropriate to consider this impact at the reserved matters stage when the location of buildings in relation to trees is known.

Therefore, the scheme as it stands is judged, on balance to provide a biodiversity gain and is otherwise

in accordance with the NPPF para 175, with ALP policy ENV DM5 and ANDP policy EH6.

FLOODING & SURFACE WATER DRAINAGE:

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." ANDP policy EH5 requires that new development make appropriate provision for accommodating the surface water and foul water arising from the development.

According to Council records, the site does not lie in an area at risk from current or future flooding from rivers or seas. However, the eastern edge of the site (where there is a watercourse) is noted as being at risk from surface water flooding. This predominantly affects only the eastern boundary however, the 1:1000 risk area also covers a small area in the NE corner of the site. This flood designation is not covered by the Environment Agency's flood zones (i.e. 2/3). The submitted Flood Risk Assessment addresses this by stating that finished floor levels in this area will be set above the flood level and that the surface water drainage strategy will remove any excess surface water from the site.

The Council's drainage engineers raise no objections in principle and consider drainage can be addressed through condition. They agree that a finished floor levels condition would be appropriate to protect against surface water flooding. It is considered this can be left to the Reserved Matters application when it will be known what the layout will be and which houses may be in this area. The required easement to the eastern boundary stream can also be agreed at that time.

It is considered the proposal complies with ALP policy W DM3 and with ANDP policy EH5.

FOUL DRAINAGE:

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

A drainage impact assessment has not been provided. It should be noted the Council's planning application validation list only requires a Lidsey Foul Water Environmental Assessment Statement in cases where non-mains drainage is proposed and this application proposes a connection to mains drainage. It is noted that Southern Water do not object and are content that foul drainage be agreed through a condition. Although there is conflict with policy W DM1, it is not considered that a refusal on this matter could be justified.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states that planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

The Council has an emerging Design Guide which completed its initial consultation period, has been modified in response to the comments received and will now be subject to a 4 week consultation period

in accordance with regulations 12 & 35 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). This Guide sets out guidance on garden depths and interface distances between houses.

It is not possible to make a detailed assessment of residential amenity as layout, scale and appearance are reserved matters. It is not considered that the proposal has the potential to adversely affect the amenities of surrounding properties due to existing trees/hedges and the distances between the site and existing dwellings.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, it is not considered there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

NOISE POLLUTION:

The occupiers of Lee's Yard are concerned regarding the placing of new dwellings next to a noisy business use and the potential for this to result in future issues for the businesses. The site is adjacent to a busy A road on which northbound traffic frequently backs up due to the level crossing.

ALP policy QE DM1 states that noise sensitive development should not normally be permitted where there is a likelihood of complaints about noise from industrial development. ANDP policy H7 states: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

The applicants provided a Noise Assessment which proposes mitigation measures that ensure both daytime and night time criteria from BS8233:2014 are met for the properties. Mitigation measures include:

- Standard thermal double glazing
- Standard thermal double glazing alongside acoustic ventilators to certain properties affected by either Lee's Yard or the A29; and
- Acoustic fencing to the western and southern boundaries of the site.

The Council's Environmental Health Officer (EHO) has reviewed the application and states that

- The submitted noise report identifies that some of the properties will be affected by noise from road traffic on the A29 and the adjacent industrial estate and will require mitigation measures in order to ensure that suitable noise levels and adequate ventilation can be achieved; and
- The exact mitigation measures and which properties this will apply to must be determined once the final layout of the site and of the individual houses has been established.

The EHO raises no objections subject to conditions to secure the noise mitigation measures. On this basis, the Council would not be able to sustain an objection on these grounds and the technical evidence means that the proposal is in accordance with ALP policy QE DM1 and ANDP policy H7.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The applicant proposes 12 Affordable Rented dwellings of the following mix: 4 x 1 bed bungalows, 4 x 2 bed houses, 3 x 3 bed houses and 1 x 4 bed houses. The Council's Housing Strategy and Enabling Manager has agreed this. The applicant has been working closely with the ABE CLT and has agreed that the affordable homes be prioritised to people living or working locally, or with a strong local family connection. It is agreed that the freehold provision of the affordable housing will be

offered to the ABE CLT in the first instance. All parties are in agreement with this and the details are in the signed S.106 Legal Agreement. On this basis, the proposal accords with policy AH SP2.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 2,675m² of on-site public open space (POS) and an on-site equipped play facility (LEAP) of 460m². The Councils Landscape Officer raises no in principle objections to the outline application and the on-site POS and play area are secured through the S.106 Agreement together with the relevant management & maintenance provisions.

It is not appropriate to provide on-site playing pitch or indoor sport/leisure provision on a site of this size and it not possible to secure any off-site contributions for such through a S106 Agreement as this site is liable for CIL. The Council will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere. The proposal accords with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community" and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

The introduction of CIL it is no longer possible to secure financial contributions for off-site projects through a S106. This development is CIL liable and will be subject to a rate of £100 per square metre to be collected upon the commencement of development.

Infrastructure providers such as WSCC and the NHS can then bid for a portion of the CIL payments to spend on their projects. The Parish Council will be provided a portion of CIL receipts guaranteeing monies will be spent locally. These payments go towards providing infrastructure the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

THE NPPF PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

Policy SD SP1 "Sustainable Development" states that 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 objectives should be sought jointly and simultaneously through the planning system. The following is an assessment of the benefits and costs associated with the proposal.

The site is environmentally sustainable in that it possible to walk, cycle or walk then take a bus to access nearby shops, services, schools, places of employment, railway stations & other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. The development will result in the loss of a grassed field but the application will likely retain existing boundary landscaping and propose additional trees. In addition, ecological enhancement measures are proposed to offset any impact on the existing biodiversity.

The proposal could help support the local community by providing 38 homes including 12 affordable rented dwellings for local people to help meet future needs. CIL receipts could be used in the Parish Council area to contribute towards local infrastructure needs therefore, there could be a further benefit to the local community.

There would be a moderate economic impact concerned with the loss of the grade 2 agricultural land but regard should also be had to the following benefits:

- (1) An increase in Council Tax receipts;
- (2) Potential 'New Homes Bonus' payments from the Government;
- (3) The creation/maintenance of construction jobs; and
- (4) Additional spending by new residents on local goods & services.

Para 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report finds no significant adverse impacts associated with the proposal and there are significant benefits to take account of. Therefore the presumption in favour of sustainable development is engaged.

SUMMARY:

The principle of development is contrary to the policies in the development plan. These policies have reduced weight as the Council are not able to demonstrate an adequate supply of housing land. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply given the current severe shortfall and to improve housing delivery rates.

This site has development on three sides and is close to the existing Built-Up Area Boundary to the north & east and to a site with extant outline permission for dwellings to the west. The site allows for occupants to walk, cycle or take a bus to access nearby shops, services and places of employment. It is a logical choice for residential development and will not harm the character of the local area. There are no any other issues as highlighted above which warrant a refusal on grounds of principle or access. Matters of design will be considered at the reserved matters stage.

The recommendation is to approve with conditions and the signed S.106 agreement.

HUMAN RIGHTS ACT

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

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

be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

SECTION 106 DETAILS

A Section 106 Legal Agreement has been signed and this covers the following:

(1) Affordable Housing

12 Affordable Rented dwellings (4 x 1 bed bungalows, 4 x 2 bed houses, 3 x 3 bed houses and 1 x 4 bed houses). To be provided not later than 50% occupation of the development.

(2) On-site Local Play

A Local Equipped Area of Play (LEAP) of 460m² to be provided on the site together with either a management plan (if to be private) or a £30,000 maintenance contribution (if adopted by the LPA).

(3) On-site Public Open Space (POS)

Provision of sufficient on-site POS (2675m²) together with either a management plan (if to be private) or a £45,157 maintenance contribution (if adopted by the LPA).

CIL DETAILS

This development will be liable for CIL but this will not be calculated until the Reserved Matters application stage.

RECOMMENDATION

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Location Plan Dwg 001 Rev A;
Block Plan Dwg 002; and
Access Plan Dwg 6530A/102 Rev B.

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

- 4 The development must be carried out in accordance with the mitigation measures and enhancements specified within the Ecological Impact Assessment (Rev 01, 06/03/20). The enhancements and mitigation measures shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 The details submitted pursuant to Condition 1 shall include acoustic fencing in accordance with sections 9.3 & 9.4 of the noise report by Acoustic Associates Sussex Ltd dated 02/04/2020 (project ref: J2489)

Reason: To protect the amenities of new residents from noise associated with the industrial site to the south and the main road to the west in accordance with Policy QE DM1 of the Arun Local Plan.

- 6 The details submitted pursuant to Condition 1 shall include measures to ensure that the risk from flooding to the proposals is reduced. This could include having the finished floor levels of the affected properties set above flood levels.

Reason; To protect the residents from the affects of flooding and noting that a small area of the eastern part of the site is affected by surface water flooding therefore in accordance with policies W DM2 and W DM3 of the Arun Local Plan.

- 7 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays.

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

- 8 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;

- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

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

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

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

- 10 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. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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

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

- 11 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.

- 12 Development shall not commence, other than works of site survey and investigation, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 13 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

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

3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A 'Verification Report' 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, (1) to (4) require the express written consent of the Local

Planning
Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To 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.

- 14 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 15 Prior to the commencement of the development hereby approved, full details of the mitigation measures required in order to demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 shall be submitted and approved in writing by the Local Planning Authority. The mitigation measures shall include those specified in sections 9, 9.1 and 9.2 of the noise report by Acoustic Associates Sussex Ltd dated 02/04/2020 Project ref; J2489.

Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings. The scheme should take into account the correct number of air changes required for noise affected rooms and provide detail on the ventilation where this is required. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenities of new residents from noise associated with the industrial site to the south and the main road to the west in accordance with Policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 16 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.

- 17 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.

- 18 Prior to the occupation of any part of the development, full details of new external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The scheme shall also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. The lighting approved shall be installed and shall be 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.

- 19 Prior to the occupation 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 permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, 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 Parking Standards SPD and the National Planning Policy Framework.

- 20 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 Plan and numbered 6530A/102 Rev B.

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

- 21 No dwelling shall be first occupied until the car parking serving the respective dwellings have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

- 22 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwellings have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 23 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 in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 24 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and policy QE DM4 of the Arun Local Plan.

- 25 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.

- 26 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) Affordable Housing

12 dwellings with a tenure split of 75% affordable rented and 25% shared ownership housing. To be provided not later than 50% occupation of the development.

(2) On-site Local Play

A Local Equipped Area of Play (LEAP) of 460m2 to be provided on the site together with either a management plan (if to be private) or a £30,000 maintenance contribution (if adopted by the LPA).

(3) On-site Public Open Space (POS)

Provision of sufficient on-site POS (2675m2) together with either a management plan (if to be private) or a £45,157 maintenance contribution (if adopted by the LPA).

- 27 INFORMATIVE: In addition to the Section 106 Legal Agreement, this application would also be liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 28 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 29 INFORMATIVE: If in the future it is determined that the onsite Tree 01 should be felled then a bat survey may be required as the tree has potential as a bat roost. If any bats are found then a Natural England Protected Species License will be required and this will need to be obtained prior to any works taking place.
- 30 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.
- 31 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 0845 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.
- 32 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 which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 33 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 12/03/20) as available on the Councils website.
- 34 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

percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. 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 winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 35 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.
- 36 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.
- 37 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.
- 38 INFORMATIVE: The Reserved Matters submission should include an air quality assessment and details of mitigation as required. The applicant should follow the Air Quality & Emissions Mitigation Guidance for Sussex (2019), available at: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n14025.pdf&ver=14269>. This countywide adopted guidance states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact of the proposed development on air quality. The intention of the guidance is to identify any air quality impacts through an impact assessment and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The air quality impact assessment can follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017), available at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>.