

REPORT UPDATE

Application No: AL/32/19/OUT

Reason for the Update / Changes

Reason for Update/Changes:

Changes to the position on Council's 5 years Housing Land Supply position, additional comment on agricultural land loss policy SO DM1 and update of ecological matters following the submission of an additional study re greater crested newts.

Officers Comment: (1) HOUSING LAND SUPPLY

Following the Authority Monitoring Report (AMR) considered at the Planning Policy Local Plan Sub-Committee on 18th June the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is currently a 4.7 year supply - down from the 5.3 year supply on adoption of the Arun Local Plan in July 2018.

The reasons for the lower projected delivery include; recent planning refusals on some Strategic Allocations; poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; and developer/market factors outside of local authority control.

The consequence of not having a 5-year HLS means that paragraph 11.d of the NPPF (2019) and the application of the 'presumption' for sustainable development is triggered.

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no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless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

It is not considered that either (i) or (ii) apply to this determination and therefore this adds weight to the recommendation to approve the application.

(2) AGRICULTURAL LAND

The officer report has determined that the proposal does not comply with Arun Local Plan Policy SO DM1 and that therefore, there is conflict with this policy. This is on the grounds that the land is designated as being high grade agricultural land and the policy is clear that development will not be permitted on such land unless certain documents are provided to demonstrate that the site is the best location and to set out mitigation measures. None of these documents have been provided and this further supports the view that there is conflict with the policy.

Members should also note that paragraph 170 (b) of the NPPF states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:
(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural

capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"

However, the conclusions section of the report considers there are material considerations which override the conflicts identified (both in terms of countryside policy and the loss of the agricultural land). This includes the allocation in the emerging Aldingbourne Neighbourhood Development Plan and the position outlined above regarding housing land supply.

(3) ECOLOGY

At the request of our ecology advisor the applicant submitted a Habitat Suitability Index (HSI) and an eDNA test (analysis of water samples in water bodies within 500m of the site). This shows that 1 pond, a distance of 470m away, has a good habitat suitability with positive eDNA. As a result of the study and taking the advice of our ecologist a new condition is proposed:-

The development shall be undertaken in accordance with the Evaluation and Recommendations as specified in the Habitat and Suitability Index and eDNA report submitted by The Ecology Consultancy dated 12th June 2019.

Reason: In the interests of the ecology of the area and in accordance with ENV SP1 and ENV DM5 of the Arun Local Plan.

Note: The changes to conditions as highlighted above.

Conclusions:

The development plan policy is out of date because the application is for housing, and the LPA cannot demonstrate a five year supply of deliverable housing sites. Therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In reaching the conclusion to recommend approval for this application the Local Planning Authority have balanced the lack of housing land supply and the allocation in the emerging Neighbourhood Plan against the policy conflict including policy SO DM1 and paragraph 170(b) of the NPPF. It is accepted that there would be a loss of the best and most versatile agricultural land however, in this case the benefits are the boost to the Councils Housing Land Supply, the provision of affordable housing and the contributions to local education, libraries and medical services.

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

Recommendation Report for Outline Consent

REF NO: AL/32/19/OUT

LOCATION: Wings Nursery
Lidsey Road
Woodgate
PO20 3SU

PROPOSAL: Outline application with some matters reserved for the erection of 55 No. dwellings, access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/115/17/OUT). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission for 55 dwellings with the only matter being approved being access of which two are proposed - one to the south of Wings and one to the north.
SITE AREA	2.6 hectares
RESIDENTIAL DEVELOPMENT DENSITY	21.15 per hectare
TOPOGRAPHY	Predominantly flat.
TREES	Some significant trees on the site/nearby - these are considered later in the report. A tree preservation order has been made during the application process.
BOUNDARY TREATMENT	Various - including post and rail fencing to the front and hedging/trees of various heights to other boundaries.
SITE CHARACTERISTICS	Grassland over majority of site with a glasshouse to the south east corner which can be viewed from the highway.
CHARACTER OF LOCALITY	The site lies to the west of the A29 Lidsey Road. The houses opposite are generally low scale semi-detached bungalows. The character is rural and this is evidenced by the land uses to the west. There are a number off detached dwellings on the southern boundary and a dwelling "Wings"

RELEVANT SITE HISTORY

AL/15/55	Layout For 33 Dwellings	Refused 22-06-55
AL/115/17/OUT	Outline application with some matters reserved for the erection of 55 No. dwellings, sustainable drainage measures, public open space, children's play area, landscaping & all other associated works. This application is a Departure from the Development Plan	Refused 08-08-18

A similar application A/115/17/OUT was refused in 2018.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council:

Aldingbourne Parish Council will be advancing this site as part of the Neighbourhood Plan revisions.

Walberton Parish Council:

As Aldingbourne Parish Council are now considering this development as part of their Neighbourhood Plan, Walberton Parish Council's position is neutral in line with Aldingbourne.

3 letters of objection:-

- Objection to proposed extension of pathway on opposite side of the road from the Willows caravan site to Lee's Yard and to the proposed relocation of the bus stop. This is a minor element but the loss of this green roadside verge would have a negative impact on the current semi-rural aspect of this part of Woodgate village.
- The current bus stop is little used, with buses rarely needing to stop and are only scheduled up to six times on a weekday, five on a Saturday with no buses on a Sunday. When the A29 realignment is completed there is likely to be a reduction or cessation of buses passing along this route. The concreting over of a green roadside verge and transfer of a little used bus stop provides little or no benefit to the area or proposal.
- Not in the Aldingbourne Neighbourhood Plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The repositioning of the bus stop is acceptable to the Highway Authority.

The site has been allocated for residential development in the emerging Aldingbourne Neighbourhood Development Plan.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

County Highways:-

This application appears identical to AL/117/17/OUT. The comments made previously by the CHA in its consultation response of 18th May 2018 stand with the only exception being to the contribution amount required towards infrastructure for the BEW Strategic Allocation.

Summary position.

No objection to the proposal. In light of the BEW proposals forming part of the Strategic Allocation for the Barnham - Eastergate - Westergate area and consideration of additional information, it would be difficult to resist this application as it is so close. It provides localised highway improvements to assist with access to the development and a contribution towards strategic infrastructure to support the aforementioned Strategic Allocation. Any permission should, be subject to the agreed mitigation and other improvements being secured by S106 Agreement and suitable planning conditions being attached to any consent granted.

Vehicular access to the site is shown taken from two points - one to serve 4 homes and the other the remainder of the 55 homes. The northern-most part of the site is approximately 90m south of a railway level crossing. Access to the 4 houses is approximately 100m south of the railway, whereas the site access serving the remaining 51 would be approximately 220m away from the crossing. Footways are shown either side of the main access with the secondary access serving the four units being designed as a private drive with highway users sharing the available space.

Residents of the new estate, when emerging, might have to wait at the junction to turn left (north) out of Woodgate Close onto the A29 if a queue of traffic resulting from the railway crossing prevailed. Given traffic movements are likely to be generally moderate to low during busy times, incidences of this are not likely to be frequent. Even if they did, it would not necessarily be down to poor junction design.

Considering such impacts at the accesses alongside the NPPF, it is concluded any detriment to movement cannot be considered severe on this occasion - subject of course to all Stage 1 Road Safety Audit recommendations being adhered to. Specifically with regard to the secondary access, the applicant has enlarged turning space within the communal driveway area and a 'KEEP CLEAR' marking is to be painted on the carriageway on the northbound carriageway adjacent - both to be attended to at any detailed design stage following any grant of planning permission.

Trip generation.

Vehicle trip generation

- Morning peak period (08:00-09:00) - 9 arrivals; 20 departures
- Evening peak period (17:00-18:00) - 21 (+2) arrivals; 13 departures
- Daily - 130 (+2) arrivals; 131 (+4) departures (Total - 261 approx.)

This level of additional traffic using the site access and Lidsey Road would not itself normally generally trigger the need to consider junction upgrading on the adjacent road (i.e. right hand turning lane). Given the issues referred to in this report as a consequence of the railway crossing, this makes it necessary to ensure an appropriately designed turning lane and 'KEEP CLEAR' markings be provided at the main access and 'KEEP CLEAR' marking at the secondary access in an attempt to minimise congestion on the A29 at the site and close to the railway crossing.

Impact of railway crossing on traffic queues.

Delays of over two minutes begin to have a negative effect on driver state of mind and tolerance, while delays of over three minutes may lead to adoption of behaviours such as 'u' turning and overtaking (the latter to reach a certain destination and to avoid waiting in a queue) - again a consideration for this

application given the queues brought about by the railway crossing closures. Such delays might be classed as severe, typically requiring traffic management measures in an attempt to mitigate.

Paras 60-64 of the Inspector's Appeal Decision Notice for AL/69/11 for the nearby Woodgate Centre included discussion and conclusions about the impact of the development on queuing. Paragraph 60 states the likely impact of 100 homes (the subject of that application) would increase peak queues by about seven vehicles, or about 40m in length. The result would then be instead of a single vehicle waiting to cross the railway when the gates rise there would be three or four. However, at that time, the Inspector concluded that the impact in vehicular terms could not be considered severe. Upon re-visiting this information and based on the Wings Nursery site proposing less dwellings (55 compared to 85), the Highway Authority concurs with the Inspector's conclusion for the Woodgate Centre - essentially that the vehicular impact of the development in the locality, whilst resulting in some conflict with the Framework, could not be classed as severe.

Transport Sustainability.

In terms of transport sustainability, the site is on the edge of the settlement boundary and some distance from the nearest railway station at Barnham. The level of bus service passing the site is also limited and the main cycle and pedestrian routes are along the busy A29.

Bus Services - Bus stops are located immediately outside the site. Both the north and southbound stops are directly opposite one-another. The applicant proposes facilities to assist pedestrians crossing to and from them (and improvements to the stops themselves).

Cycling - In response to current limitations for walking and cycling, the applicant is offering improvements in the form of a widened footway on the western side of the road between the main site access up-to the start of the car park serving the Prince of Wales Public House. On the eastern side of the road, the applicant proposes a new footway running from the junction with Willows Caravan Park running south to connect to Lee's Yard. Alongside this, opportunities to cross the road in the form of pedestrian ramps with tactile paving are also offered.

Rail - The nearest railway station to the proposed development is located in Barnham, approximately 4km away by road. It is possible to walk to the station and the route (as the crow flies) is shorter but this does involve users to walk along a series of largely rural footpaths. As for the walking/cycling comments made above, improvements to access to the station will present themselves as part of the nearby BEW Strategic Allocation as proposed in the emerging Arun Local Plan. Footway widening and extension of a footway to Lee's Yard (one of the closest employment centres) is proposed and will be secured by S106 Agreement.

Conclusion. No objection subject to the following S106:

- Widened footway on 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
- Footway on east side of road taken from junction of Willows Caravan Park access road to Lee's Yard
- Strategic Infrastructure Contribution (amount TBA)
- Bus stops, shelters and real-time passenger information contribution (and/or works)
- Travel Plan
- Cycle stands adjacent to nearby convenience store
- Contributions towards other non-highways infrastructure - education, libraries etc.

County infrastructure:-

It appears at present primary/secondary/further secondary schools within the catchment area of the

proposal would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development. Contributions need to be requested. The situation will be monitored and further advice on the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

Primary Financial Contribution - The primary contributions generated by this proposal shall be spent on additional facilities at Aldingbourne CofE Primary School.

Secondary Financial Contribution - The secondary contributions generated by this development will be spent on fixtures, fittings and equipment for phase 2 of the new secondary school serving Arun.

Further Secondary Financial Contribution - The contributions generated by this proposal shall be spent on a restructure of the sixth form to cater for the additional student population at St Philip Howard Catholic High School Sixth Form.

Library Infrastructure Contribution - A scheme is approved to provide additional floorspace or facilities at Bognor Regis library. A financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

Fire & Rescue Service Infrastructure - The development should contribute towards the cost of necessary infrastructure needed to support development. Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Aldingbourne.

Sussex Police - No objection - detailed comments about design/layout and "Secure by Design" shown

Tree officer - Awaited

Southern Water - Awaited

NHS - No objection subject to s106 of £54,557 for The Croft GP surgery" for the infrastructure needs of managing "on the day demand".

West Sussex Flood risk management - Current surface water mapping shows the site is at low risk from surface water flooding. Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Wholesale site level rise via the spreading of excavated material should be avoided.

The majority of the development is shown to be at high risk from ground water flooding based on the current mapping. Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

The FRA proposes that sustainable drainage techniques (permeable paving, attenuation with a discharge to the watercourse) would be used to control the surface water from this development. As indicated by the District Engineer, groundwater monitoring should be shown to have been fully investigated across the whole site.

Ecologist - Due to the presence of foraging and commuting bats onsite, we are satisfied that the mitigation proposed within section 6 for the Bat Emergence Survey Reports (Oct 2017) and a condition should be used to ensure this takes place.

Require that bat tiles/bricks are including within the construction of the homes on-site. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should 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.

The scrub, hedgerow and tree habitat found on the south and west boundaries of the site will need to be retained and protected. This will include having a buffer strip around the areas (5m) and during construction fencing should be used to ensure this area is undisturbed.

Following submission of the Reptile Survey Report (October 2017), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

We require that initially a Habitat Suitability Index assessment is done for Greater Crested Newts, and depending on the findings further activity surveys may be required.

Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserve matters application.

We would like to see a number of enhancements incorporated within the scheme including;

- Any trees removed should be replace at a ratio of 2:1
- Hedgerows should be retained
- Wildlife pond
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site

Housing Strategy and Enabling - No objection. The applicants are proposing to provide 18 dwellings for affordable housing which meets this specific policy requirement. The Council's Affordable Housing policy requires a tenure split of 75% rented and 25% intermediate housing.

With reference to the 'Provision of Accommodation suitable for older people and people with disabilities', agreed at the Planning Policy sub-committee 27th February 2019, the Council's policy is that for schemes greater than 51 units - 50% of units should be designed to m4(2) standard and 4 designed to m4(3) wheelchair accessible. The expectation would therefore be that a minimum of 9 of the affordable dwellings be designed to m4(2) and that an additional 1 affordable dwelling be designed to m4(3).

To meet the requirements of the council's Affordable Housing policy the applicants will need to provide 14 x rented and 4 x intermediate homes. Given the high need for 2 bedroom accommodation the Council welcomes the predominance of 2 bedroom dwellings.

Highways England - The Arun Local Plan is adopted and contains agreed highway mitigations for the impacted A27 junctions resulting from the strategic development sites. The agreed A27 highway mitigations are to funded from developer contributions. Further housing, even relatively small allocations,

depending on its location, could have a cumulative impact on the A27 junctions as well as the local highway network, which may need associated mitigation. The council is advised that it may wish to consider requesting an appropriate proportional contribution from this particular site towards mitigation at the A27 junctions. Otherwise, Highways England is satisfied that the proposals will not materially affect the safety, reliability and / or operation of the Strategic Road Network in this location and our formal response of No Objection is attached.

Network Rail - Comment awaited

Environmental Health - Comment awaited

Engineers - No objection subject to conditions.

The site has ordinary watercourses running along the eastern and western boundaries, easement to watercourses must be provided. Any proposed culverting to provide access would require consent. If discharge to watercourse is proved to be required it will need to be demonstrated that the downstream watercourse is in an appropriate condition to receive these flows.

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through an attenuated discharge to a local watercourse. Infiltration testing must be completed to support the ruling out of infiltration, this infiltration testing should include testing at shallow depths appropriate for permeable paving.

The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore the potential for onsite infiltration should be investigated and backed up by winter groundwater monitoring and winter infiltration testing. Groundwater monitoring results will also be required if attenuation is proposed to ensure that the risks of flotation are adequately accounted for in design.

If on-site infiltration is to be utilised, any soakage structures should not be constructed lower than the peak groundwater level. If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable.

Surface water drainage features should be designed in a manner that positively affects the amenity of the site. Open features, such as swales, basins and ponds, when designed correctly, can satisfy all the above aspirations in addition to; being easier to maintain, having longer lifespans and offering ecological advantages over subterranean features such as "plastic crate systems". The design should reflect natural catchments present, ground raising or pumping are not sustainable solutions and are not supported by us.

Parks and Landscapes - No comments have been received but other developments are contributing to an off-site multi-use games area (MUGA) at the Aldingbourne Sports and Community Centre . The scheme is not fully funded and it is considered that this proposal will generate a need for off site play facilities. Given other contributions already committed/under negotiation the proposed contribution from this scheme would be £200 per dwelling.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - where relevant the conditions and s106 contribution requests will be attached as conditions/included in the s106. None of the consultees raise an objection to the scheme.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
A class road

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
ECCSP1	ECC SP1 Adapting to Climate Change
HERDM6	HER DM6 Sites of Archaeological Interest
HORDM1	HOR DM1 Horticulture
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
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
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Aldingbourne Neighbourhood Plan 2016 POLICY EE2](#) Retention of employment land

Aldingbourne Neighbourhood Plan 2016 POLICY EH1 Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH10 Unlit village status

Aldingbourne Neighbourhood Plan 2016 POLICY EH3 Best and most versatile resisted unless...

Development on Agricultural Land

Aldingbourne Neighbourhood Plan 2016 POLICY Development in Flood risk areas will not be

EH5	supported unless...
	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H4	10 or more to include 40% unless unviable
	Affordable Housing
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD3	Parking Standards
SPD6	Archaeology

POLICY COMMENTARY

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.

The relevant policies within the Aldingbourne Neighbourhood Development Plan and Regulation 14 pre-

examination Aldingbourne Neighbourhood Development Plan have been considered in the preparation of this report.

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 Arun Local Plan, should be resolved in favour of the latter.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary where development or redevelopment is generally not acceptable.

OTHER MATERIAL CONSIDERATIONS

Other material consideration

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development;
- The site being allocated in the emerging changes to the Aldingbourne Neighbourhood Development Plan;
- The Councils' 2019 HELAA which assessed the site (ref 32) as being deliverable and noted the site is considered to be a suitable site as there are no major constraints to overcome;
- The result of the Governments 2018 Housing Delivery Test which states Arun have underdelivered on its housing targets and recommends an Action Plan be published to set out how delivery rates will be improved;
- Recent delays to the delivery of (and refusal of one such application) strategic housing allocations;

CONCLUSIONS

PROPOSAL & PRINCIPLE:

This is an outline application with means of access details only. An indicative layout plan has been submitted which demonstrates 55 dwellings can be provided together with access roads, footpaths, public open space, parking and landscaping.

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Aldingbourne Neighbourhood Development Plan (2016) and the West Sussex Waste and Minerals Plans.

Arun Local Plan:

Amongst the key policy considerations in the determination of this application are considered to be H SP1, SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

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 reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and through the publication of a "Non-Strategic Site Allocations Development Plan Document (DPD). Aldingbourne Parish Council are amending their Neighbourhood Plan and have proposed to allocate this site within the amended version.

Policy SD SP1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that will 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).

Policy SD SP2 "Built up Area Boundary" states outside the Built Up Area Boundary (BUAB), apart from strategic, site specific and other broad allocations, development will not be permitted unless consistent with other plan policies. Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development.

The site lies outside the built up area boundary but does form an emerging Neighbourhood Plan allocation. The exception under C SP1 would not apply and the proposal would be contrary to ALP policies SD SP2 and C SP1.

Aldingbourne Neighbourhood Development Plan (ANDP):

ANDP was made (adopted) in 2016 on the basis of the saved policies in the 2003 Arun Local Plan and the emerging policies of Arun Local Plan.

Policy EH1 of the ANDP states that development within the built-up area boundary defined on Map E of the plan will generally be permitted. It goes on to state that proposals for development outside the built-up area boundary that do not accord with development plan policies in respect of the countryside will be resisted unless it is for essential infrastructure, where the benefits outweigh any harm and it can be demonstrated that no reasonable alternative sites are available.

Policy H1 of the emerging ANDP allocates the land subject to compliance with other plan policies and a contribution being made to the Aldingbourne Sports and Community Centre.

Map E on page 54 of the ANDP includes a BUAB drawn round the edge of the settlement. The BUAB in the ALP is different having been amended to include strategic allocation SD5 - commonly referred to as BEW and approved developments on Hook Lane and Nyton Road. Nevertheless, the application site remains outside of the BUAB and is classified as countryside.

National Planning Policy Framework (NPPF):

The NPPF published in July 2018 is a material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development. At para 12, it states:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with

an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

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) Sustainability:

The site is environmentally sustainable as it lies on the southern edge of Aldingbourne and it will be possible for residents to use non-car means of transport to access schools and other services. Pedestrians have the benefit of street lit pavement in the immediate vicinity of the site.

The proposal could help to support the local community by providing 55 dwellings with a mix of bedrooms (and the provision of affordable homes) to meet future needs. If approved the development would also be required to contribute towards infrastructure and local health service and as such there would be a further benefit to the local community.

The development will likely result in economic benefits to the local area.

(2) Site Location:

The BUAB in this part of Aldingbourne is drawn around land on the opposite site of the A29 to the site. On the western side of the site the BUAB finishes to the north of the railway line. There would be limited harm to the character of the countryside if the site was developed given the development opposite. It is not enough to simply refuse an application on the grounds of being in the countryside and it is necessary to identify the harm.

(3) 2017 HELAA Report:

The HELAA report republished in February 2019 (Table 1.1) assessed the site (ref 32) as being deliverable with a yield of 60 dwellings.

(4) Additional Dwellings to be secured through a Non-Strategic Site Allocations DPD:

The 5.3 year housing land supply set out within the Arun Local Plan includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD). The DPD is not yet out for consultation although there remains potential for the site to be promoted through this document.

(5) Housing Delivery Rates:

In February 2019, the Government published results of its Housing Delivery Test. This shows Arun have underdelivered on its housing targets (achieving only 91%).

It is vital that delivery rates are maintained and much of this will hinge on the delivery of strategic sites allocated within the Local Plan. There have been delays to the determination of some of these sites and also the refusal of one of the Pagham sites. This will further affect delivery rates. It is considered the release of further land for housing will help to maintain delivery rates. This may have to include sites

outside the built up area boundary and 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.

(6) Amendment Neighbourhood Plan:

The Aldingbourne Neighbourhood Plan is being reviewed to bring it in line with the Local Plan adopted in July 2018. A draft plan was published in the Spring of 2019 is a pre-submission draft plan.

In the Local Plan policy HSP1 Aldingbourne has an allocation of 70 dwellings. Aldingbourne has decided in the emerging plan to allocate a two sites of 85 dwellings - one of these sites is Wings Nursery. Revised policy H1 allocates this site for 55 dwellings and states proposals will be expected to conform to the other policies in this Plan and also to provide (through S106 or CIL) funding to deliver improvements to the Aldingbourne Sports and Community Centre. The emerging plan has limited weight at this time.

Conclusion on Matters of Principle:

The principle of development on this site is considered to be contrary to the development plan. However the proposal represents sustainable development and that there are other material considerations as set out above which, on balance, are considered to outweigh the in principle policy objection and serve to allow for the application to be supported.

PREMATURITY:

Para 014 (Reference ID: 21b-014-20140306) of the online Planning Policy Guidance states:

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

The Council has started work on a Non-Strategic Site Allocations DPD and is discussing with Parishes the review of made Neighbourhood Plans - Aldingbourne are at Regulation 14 stage with their Neighbourhood Plan already. Neither of these are at an advanced stage and the proposal is not considered to be so substantial or have a cumulatively significant effect on the settlement.

AGRICULTURAL LAND:

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

This is an out of date policy as it predates the adopted Local Plan however the contents of the policy are proposed to be retained in the emerging plan. The policy has reduced weight. It is considered the proposal is compliant with EH3 as the need for development (given the need of the Parish to allocate 70 additional houses) outweighs the harm created by the loss of agricultural land.

Local Plan policy SO DM1 considers soils and states: "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."

It is considered that the development would lead to the loss of high grade agricultural land but given the need housing development in the district outweighs the policy restriction and the proposal complies with the ANDP policy EH32 and with policy SO DM1 of the ALP.

CHARACTER:

Policy D DM1 of the Local Plan 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. 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.

Policy H1 of the ANDP seeks quality of housing design - the application is in outline and no design/layout is to be agreed at this stage. Regard is had to para 127 of the NPPF: "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)." Paras 122 and 130 are relevant. 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 taken into account. Para 130 states planning permission should be refused for development that fails to take opportunities available for improving character and quality of an area and the way it functions.

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. It would be appropriate to make an assessment of whether new build residential development in this location would be appropriate in the context of the character of this part of Aldingbourne.

The site sits on the south western edge of the settlement with farmland beyond. Houses to the east are along a linear form with roads radiating off the A29. To the south are some larger dwellings which are also outside of the built up area. It is clear that the character of this part of Aldingbourne would change as a result of this proposal as it would introduce dwellings into a generally an open area. However with the dwellings opposite the dwellings would be seen in the context of an approach to/edge of settlement location as is reflected to the east of the A29.

The indicative layout suggests a relatively spacious scheme with provision of open space and landscaping and this reflects what might be appropriate on the edge of a settlement. In terms of density, it is noted the proposal is for 55 dwellings whereas the HELAA suggested a yield of 60. Housing density, as discussed in ANDP policy H6 is considered acceptable.

Given the need for additional housing the proposal would not result in significant harm to the character of this part of Aldingbourne and, on the grounds of density and character, the proposal would not conflict with development plan policies.

HIGHWAYS AND PARKING:

Local Plan 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". In addition, policy T DM1 requires that new development be located within 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 they have comprehensively assessed the proposals and do not consider that there will be any severe harm to the safety or convenience of the local highway network either solely or in combination with other developments. Improvement works and a contribution to the re-aligned A29 are also sought by County Highways and these can be achieved.

It is considered the proposal accords with relevant development plan policies and with the NPPF on highway safety. A request for a contribution towards s106 has been made towards the re-aligned A29 scheme.

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)."

ANDP policy EH2 allows new development in or immediately adjacent to biodiversity corridors identified within the ADNP. The site is not within or adjacent to these areas.

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 has been subject to consultation with our ecologist who requested a greater crested newt (GCN) survey be undertaken in addition to the ecological work already undertaken. This has been submitted by the applicant and is being considered by our Ecologist.

Further conditions or report updates will be reported to Committee.

It is anticipated that no objection will be raised and therefore it is not likely that there will be any conflict with NPPF para 175 or with ALP policy ENV DM5.

FLOODING AND DRAINAGE:

The site does not lie in an area at risk from flooding from rivers or from surface water flooding.

Policy W DM2 of the ALP ("Flood Risk") is not relevant. 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 a flood risk assessment in areas at risk of flooding to demonstrate appropriate provision for surface and foul water.

WSCC and ADC Drainage Engineers do not raise objection to the principle of development subject to mitigation by planning condition. In the absence of objections, it is not considered a refusal on surface water drainage grounds can be justified and the proposal must be judged to be in accordance with relevant development plan policies.

FOUL DRAINAGE:

Part 3 of Arun Local Plan policy W DM1 is relevant. It states: "Major development within this area must also be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal." And that: "Where surface water and foul water drainage systems are approved as part of the consideration of a planning application, conditions may be imposed upon the permission relating to dates for implementation or other detailed technical requirements."

RESIDENTIAL AMENITY:

Local Plan policy D DM1 requires the Council have regard to certain aspects 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 considered necessary to have regard to para 127 (f) of the NPPF which states planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

It is not possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. In principle it is not considered the dwellings shown on the illustrative layout would be sited to result in any harm to the privacy, outlook or amount of light to neighbouring properties.

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

AFFORDABLE HOUSING:

For all developments over 11 residential units, the Council requires minimum provision of 30% affordable housing on site, as per Policy AH SP2 of the Arun Local Plan and the Interim Affordable Housing Policy (2010).

A request has been made by the Affordable housing manager for 14 rented and 4 intermediate homes with a preference for 2 bed homes. The mix would be split between 75% rented and 25% affordable. A minimum of 9 of the affordable dwellings should be designed to m4(2) Building Regulations standard and that an additional 1 affordable dwelling be designed to wheelchair accessible standard.

Policy H4 of the ANDP requires a 40% contribution towards affordable housing. The Local Plan takes precedence over this policy as it is the most recently adopted and therefore 30% will be sought.

The affordable housing provision will be secured by a S.106 legal agreement and the proposal will accord with policy AH SP2.

PUBLIC OPEN SPACE & PLAY:

The Council's supplementary planning document "Open Space & Recreation Standards" sets out standards for public open space. This guidance is considered to be out of date and so reference is made instead to the current Fields in Trust (FIT) standards as set out in "Guidance for Open Sport and Play: Beyond the Six Acre Standard" (October 2015).

No response from the Parks Team has been submitted regarding this proposal. However details of the open space can be agreed at approval of reserved matters stage. A contribution of £200 per dwelling is sought towards a MUGA at the Aldingbourne Sports and Community Centre.

The indicative plan shows open space and the proposal does not conflict 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."

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be calculated using the housing mix at the reserved matters stage. The contributions will be spent on the following projects:

- additional facilities at Aldingbourne C of E Primary School;
- fixtures, fittings and equipment for phase 2 of the new secondary school serving Arun;
- a restructure of the sixth form to cater for additional students at St Phillip Howard Catholic High School Sixth Form;

- on the expansion of facilities at Bognor Regis Library; and
- towards supply and installation of additional fire safety equipment to vulnerable persons homes in Aldingbourne.

The NHS have requested a contribution of £54,557 which will be allocated to assist with the creation of a new integrated community hub facility at the Croft Medical Centre on Barnham Road in Eastergate to serve the catchment population of this development.

With regard to the fire safety contribution the inspector in determining a relatively recent (Burndell Road, Yapton) Call in decision (ref APP/C3810/V/16/3158261), considered the requested contribution was not compliant with the CIL Regulations. WSCC have since stated the request for the Burndell Road application was for smoke alarms whereas on a more recent Ford Lane appeal (APP/C3810/W/17/3170059), the request was for fire safety equipment and this was accepted as being compliant by that Inspector. WSCC are of the opinion that the fire & rescue contribution is CIL compliant.

Despite concerns by ADC over the specificity of the infrastructure projects, WSCC recently stated with respect to application AL/57/18/OUT that the projects for which the education contributions would be allocated to are specific enough to ensure that WSCC will not run out of projects for each of the named schools.

The contributions/provisions are necessary to make the development acceptable in terms of ALP policy INF SP1, are directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development), and are fairly & reasonably related in scale and kind (the level of contributions are/will be calculated in accordance with a formula so as to be proportional to the amount of new development). The Council's pooling data has been checked and none of the contributions would result in more than 5 contributions to a particular project. The restriction on pooling contributions is due to be removed later this year.

These contributions will be secured by a S106 Legal Agreement which is in the process of being completed and as such, there is no conflict with policy INF SP1 of the Arun Local Plan.

SUMMARY:

This outline application considers the development of this site with 55 new residential dwellings. Two accesses are proposed. All other matters regarding design, layout, appearance, scale and landscaping would be the subject of a reserved matters application.

The principle of development on the site is contrary to the development plan in respect of the site's location within defined countryside. Members should note that the the Council's current 5.3 year housing land supply (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). It is vital to consider additional sustainable housing developments in order to contribute to housing land supply and maintain/improve housing delivery rates. The emerging amended Neighbourhood Plan allocates the land for housing.

This site was previously considered to be deliverable through the HELAA process. It is not considered the development will result in harm to character of the countryside.

There is additional conflict with the development plan in respect of the loss of potentially high value agricultural land. There is policy provision to allow for development on high grade agricultural land in certain circumstances where the need outweighs harm.

It is considered the material considerations set out within this report are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the development plan.

It is recommended that the application be approved subject to the following conditions and subject to the signing of a Section 106 which is currently being prepared to cover the items listed below. As the s106 has not been signed it is requested that the final decision on the application be delegated to the Head of Planning.

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 positive impact on the protected characteristics (age and disability) through the provision of affordable housing to meet the needs of those groups..

SECTION 106 DETAILS

WSCC Highways

- Widened footway on 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
- Footway on eastern side of road taken from junction of Willows Caravan Park access road to Lee's Yard
- Strategic Infrastructure Contribution towards the realigned A29 scheme (£9,043 per dwelling)
- Bus stops, shelters and real-time passenger information contribution (and/or works)
- Travel Plan
- Cycle stands adjacent to nearby convenience store
- Contributions towards other non-highways infrastructure (education, libraries etc.) - details to follow separately

Infrastructure in the s106 required for schools, libraries and fire and rescue services.

NHS - £54,557 for The Croft GP surgery" for the infrastructure needs of managing "on the day demand".

Affordable housing:- 14 x rented and 4 x intermediate homes. Given the high need for 2 bedroom accommodation the Council welcomes the predominance of 2 bedroom dwellings

MUGA at Aldingbourne Sports and Community Centre at a rate of £200 per dwelling.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 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).

- 2 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;
- (d) 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).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans insofar as they relate to the matters approved by this application:-

1551/05/B
2017/3711/001/Rev E
2017/3711/002/Rev E
2017/3711/004/Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and TSP1 of the Arun Local Plan.

- 4 No part of the development, hereby permitted, shall be occupied until the accesses as generally shown on shown on drawings 2017-3711-001; 002 and 003 (all revision 'E') and 004 (revision 'A') have been constructed to a final specification to be agreed with the local Highway Authority through a formal S38 and/or S278 process (including right hand turning lane on A29).

Reason: To ensure fit-for-purpose accesses constructed to appropriate design and safety standards in accordance with the NPPF and policy TSP1 of the Arun Local Plan.

- 5 No development shall commence unless and until details of the layout and specification of and construction programme for/the roads, footpaths and casual parking areas/the foul and surface water drainage and means of disposal/have been submitted to and approved by the

Local Planning Authority. No house shall be occupied until it is provided with access constructed in accordance with such approved details to the established highway network.

Reason: To secure satisfactory standards of access and drainage for the proposed development in accordance with policy T SP1, T DM1, W DM3 of the Arun Local Plan.

- 6 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. 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,

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities and details of their operation and location;
- details of street sweeping;
- details of a means of suppressing dust arising from the development;
- details of all proposed external lighting to be used during construction;
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
- contact details for the site contractor, site foreman and Construction Design Management co-ordinator (including out-of-hours contact details) under the Construction Design and Management Regulations 2015.
- details of any temporary traffic management that may be required to facilitate the development including Chapter traffic signs in accordance with Chapter 8 of the Traffic Signs and General Directions manual.
- details on how habitats and enhancements onsite will be managed during and post construction.

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

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with the NPPF and TSP1 of the Arun Local Plan.

- 7 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the dwellings the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan.

- 8 No development, hereby approved, shall be occupied until provision for parking and turning of cars associated with the development has been provided in accordance with plans to be submitted to and approved by the Local Planning Authority after consultation with the County

Highway Authority. Provision should thereafter be maintained solely for the purpose of the parking and turning of vehicles clear of the highway.

Reason:- To ensure that adequate provision for the parking and turning of vehicles is provided for the development to accord with the NPPF and policy TSP1 of the Arun Local Plan.

- 9 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with plans to be submitted to and approved by the Local Planning Authority for consultation with the County Highway Authority.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate re-opening in the future and also in the interests of road safety and to accord with the NPPF and policy TSP1 of the Arun Local Plan.

- 10 The development, hereby approved, shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the County Highway Authority to prevent surface water draining onto the public highway.

Reason - In the interests of road safety and to accord with the NPPF and policy TSP1 of the Arun Local Plan.

- 11 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.

- 12 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 / No part of the extended 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.

- 13 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.

- 14 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.

- 15 Before the development hereby permitted is commenced, 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, if appropriate) 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 adequate infrastructure is provided to enable the scheme to be satisfactorily drained in accordance with Policies D DM1, W DM1 and W SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 16 No development in any phase shall be carried out unless and until a schedule of materials and finishes to be used for that phase for external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority. No development in any phase shall be carried out unless and until a 'statement of detail' for that phase has been submitted to and approved setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 17 Prior to the commencement of the development details of the following biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be in place prior to the occupation of the development and retained in perpetuity.

- Any trees removed should be replace at a ratio of 2:1
- Hedgerow retention
- Wildlife pond
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat tiles/bricks and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site
- Retention and protection of the scrub, hedgerow and tree habitat on the south and west boundaries of the site.

Reason: To promote biodiversity in accordance with the NPPF and policy ENV SP1 of the Arun Local Plan.

- 18 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

8.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Policies D DM1 and QE DM1 of the Arun Local Plan.

- 19 The mitigation measures detailed in the Reptile Survey Report of October 2017 and Bat Emergence Reports of October 2017 shall be carried out in full.

Reason: To promote biodiversity in accordance with the NPPF and policy ENV SP1 of the Arun Local Plan.

- 20 No external lighting shall be installed on site (including street lighting) until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but 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. 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.

- 21 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 and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy

QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 22 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

- 23 The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 24 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). 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, unless otherwise agreed in writing by the Local Planning Authority.

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

- 25 In the event that contamination is found at any time during the carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All works must stop immediately and an investigation and risk assessment must be undertaken in accordance with the requirements of the local authority contaminated land officer. Where remediation is necessary, remediation scheme must be prepared in accordance with the local authority contaminated land officer guidance and which is subject to approval in writing of 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 policy QE DM4 of the Arun Local Plan.

- 26 The development shall be undertaken in accordance with the Evaluation and Recommendations as specified in the Habitat and Suitability Index and eDNA report submitted

by The Ecology Consultancy dated 12th June 2019.

Reason: In the interests of the ecology of the area and in accordance with ENV SP1 and ENV DM5 of the Arun Local Plan.

- 27 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.
- 28 INFORMATIVE: As part of the approval of the reserved matters application, the applicant shall include details of security measures to the development layout and to buildings and boundary treatments in accordance with the consultation advice of Sussex Police available on the Councils website. The details to be submitted shall include siting, design and appearance of any measures as well as associated technical details.
- 29 INFORMATIVE: S59 Agreement - If deemed necessary, the applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980. This Agreement is would be required in the event that extraordinary traffic required to build the development is generated during the construction phase/s in order to provide a means of making good the public highway following the cessation of construction traffic and building work on the site. Full details of the process can be obtained from the Local Highways Manager WSCC.
- 30 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.
- 31 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.
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- 32 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.

- 33 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.
- 34 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.
- 35 INFORMATIVE: This application has been approved subject to a s106 legal agreement requiring infrastructure contributions.
- 36 INFORMATIVE: Current Ordnance Survey mapping shows ordinary watercourses on or directly adjacent to the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exists around the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development to aid access/maintenance.