



PROGRESS PLANNING

Land to South of Dukes Road, Fontwell, Westergate, Arundel, BN18 0SP.

*Outline Application: Development of 9 residential dwellings (Use Class C3) with access **and layout** to Dukes Road (appearance, landscaping, and scale reserved).*

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Introduction

This Planning Statement accompanies an Outline Planning Application submitted to the Local Planning Authority Arun District Council (hereinafter referred to as the 'LPA') related to the proposed development of Land to South of Dukes Road, Fontwell, Westergate, Arundel, BN18 (the 'site') for residential development served by an upgraded access.

The application is described as follows:

Outline Application: Development of 9 residential dwellings (Use Class C3) with access and layout to Dukes Road (appearance, landscaping, and scale reserved).

This Planning Statement follows pre-application advice sought in April 2021 (reference PAA/49/21/) relating to 9 dwellings consisting of 4 x 3 bed, 4 x 4 bed and 1 x 5 bed.

This statement begins by providing a description of the site and surrounding context the schemes alignment with the requirements of the Development Plan, site specific and associated considerations, the acceptability of the design and considerations relating to material factors – these including whether the proposal constitutes inappropriate development in the countryside and if so, whether Very Special Circumstances exist are clearly outweighed by other considerations. The latter includes detailed assessment of the LPA's under-delivery of housing land within the District, identified Housing Need and the specifics of the proposal. Conclusions are set out at the end of the report.

This Statement concludes that the proposal is acceptable having reference to the Development Plan and related Policy Framework in the round. It is evident that:

The Arun Development Plan was adopted in 2018 despite this the LPA have a significant shortfall in their under delivery of housing which currently stands at 2.4 years; well below that of the 5 year housing land supply required. Given this background, the Development Plan is out of date and accordingly the 'titled balance' of paragraph 11(d) of the NPPF applies, and the presumption in favour of sustainable development is triggered.

The housing units would contribute towards addressing the significant shortfall in housing delivery and housing land supply evident within Arun. The tenure of the dwellings would contribute towards addressing the chronic shortfall in housing provision evident within the District, and also provide a number of family homes ranging between 3 and 5 bedroom.

The impacts of the development on the countryside by reason of inappropriateness and loss of openness would be mitigated by the location of the land parcel which is positioned as an infill between two dwellings and the nature of strongly established site boundaries. The implementation of a landscape enhancement programme would bolster these boundaries / landscaping in general and integrate the development into its context.

All ecological, highway, drainage and arboricultural impacts and considerations associated with the proposal, are fully mitigated. See accompanying reports and drawings.

The site, context and general assessment

The site is a rectangular shaped parcel of land positioned along the Northwest-Southeast axis South of Dukes Road. The site is accessed by Dukes Road and to the south of the site lies the village of Fontwell. The access will be upgraded to accommodate highway movements associated with the proposal.

Dukes Road runs to the A27 to the south and provides access to the market towns of Chichester and Arundel. Some 360 metres to the south-east lies the service facilities of Travelodge, Burger King and a Shell garage. Specifically, the site is located to the south of Dukes Lane on a broadly rectangular parcel of grassing land of around 0.86ha of area.

The south side of Dukes Lane is almost entirely lined with dwellings from its junction with Littleheath Road to the north west to the junction with Days Lane to the south east - the sole exception being the applicant's parcel of land. The dwellings fronting the lane are generally detached and are comprised of large bungalows, chalet bungalows and two-storey dwellings. Most properties have long rear gardens. The built form exhibits a decidedly varied collection in terms of vintage, architecture, scale, layout, massing, boundary treatments, materials, curtilage size. Consistent design themes include the relatively consistent front building line and residential land use. The proposed layout would replicate these two principal design features and retain a strong build line and residential use.

A large commercial complex, Little Beechfield is located on the opposite side of Dukes Road to the site.

Dukes Lane is a single-track lane subject to a national speed limit. The existing access located toward the south-eastern end of the site will be modified to serve the development, and an additional cross-over formed to the north west. Swept path and splay analysis has been carried out – these confirm the site is fully accessible by refuse and fire tender vehicles as well as accommodating vehicular movements associated with the dwellings.

The site is an open and flat field currently underutilised. There is a well-established hedge/tree lines to along its boundaries which are also delineated by a wired fence and access gate. Whilst outside the settlement boundary, the site forms part of the wider pattern of development along Dukes Lane and therefore is development on this land is entirely logical. The site benefits from being 'book-ended' and therefore due to the long-established physical features of the land it lends itself favourably to infill expansion.

In terms of Site Designations, the site and access lie outside of the settlement boundary. The whole site is within the countryside designation and Flood Zone 1. To the North lies part of the South downs National Park. The site is also within the Aldingbourne Neighbourhood Plan area 2021.

The site is far distanced from local heritage assets, the nearest of which is The Hermitage, a grade 2 listed building some 250 meters southeast from the site and Denmans Gardens circa 410m to the south. By reason of separation, the setting of the assets would be maintained.

The site benefits from being a short distance from another of services as beforementioned in addition to the local pub of the Old Stables and cultural places such as the listed Denmans Gardens and wider national park to the north of the site.

This application is submitted with details of Layout and Access – all other matters are reserved. The submission is accompanied by an indicative site layout plan showing a layout for 9 dwellings served by a service road and two access points.

A material change in circumstances now evident is the LPA's continued inability to 'identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old' (NPPF Paragraph 74).

The LPA's most up to date 'Authority Monitoring Report (April 2020-31 March 2021) published in January 2022, confirms that the Council presently have only a 2.4 year supply of deliverable housing land supply – this is a further reduction from the 3.3 year land supply reported in the predecessor Report (December 2020) and indeed 3.7 year supply reported in December 2019. It is evident that the LPA have a reducing supply of deliverable housing land year upon year.

The implications of this chronic undersupply are discussed below alongside the repercussions of those Development Plan policies most pertinent to the proposal, being out-of-date in line with paragraph 11d.

Considering the above, the tilted balance in paragraph 11 of the NPPF in favour of sustainable development, is triggered.

In the short term and post approval of the reserved matters application, the development will provide job opportunities throughout the build program from the day of commencement, through the build process and onwards to project completion and hand-over.

The project will bolster the viability of services and businesses as encouraged in the NPPF assisting - in however small a way – to reinforce local economic viability by providing job opportunities during the build and ongoing servicing of the building.

The layout indicates a scheme of 9 dwellings with a theoretical occupancy population of 51 persons. The occupiers would increase demand for and the use of local services and facilities thereby adding to local economic viability.

Planning Policy

Section 54(a) of the Town and Country Planning Act (1990) as amended by Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that LPAs should determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.

Whilst this proposal is submitted in Outline format with all matters save for access and layout, reserved, advanced drawings and supporting information have nevertheless been prepared. It is therefore deemed appropriate to undertake an assessment of the proposal against all relevant Policies in the Development Plan as were the submission a Full Planning application. The following proceeds on this basis.

Whilst the LPA adopted their Development Plan in 2018, there remains a significant shortfall in their identification and supply of deliverable housing land. As noted above the trend over the last 4 years is for a year on year reduction in deliverable land – the supply currently stands at 2.4 years well below that of the 5-year housing land supply required. Accordingly, and despite the relatively young age of the Development Plan, the plan is 'out-of-date' applying the footnote 8 criteria set out in para 11 of the NPPF.

Accordingly, the National Planning Policy Framework (2021) (NPPF) is the principal Policy document upon which the proposal falls to be assessed. However, collectively the Development Plan comprises the NPPF, the Adopted Arun Local Plan 2018 and the Housing and Economic Land Availability Assessment (HELAA) 2021.

Paragraph 11 of the NPPF states that 'plans and decision should apply a presumption in favour of sustainable development'. In terms of 'decision-taking', this means that the LPA must

(c) approving development proposals that accord with an up-to-date development plan without delay, or (as it relevant here)

(d) where there are no relevant development planning policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Paragraph 14 of the NPPF states that 'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required¹⁰ over the previous three years'.

On 3 September 2020, the Court of Appeal gave judgment in *Peel Investments (North) Ltd v Secretary of State for Housing, Communities & Local Government* [2020] EWCA Civ 1175, and addressed the interpretation of para. 11(d) of the National Planning Policy Framework 2019 ("NPPF").

Accordingly, policies are "out-of-date" for the purposes of para. 11d of the NPPF if they have been overtaken by circumstances / events that have transpired since the plan was adopted, either on the ground or through a change in national policy, or for some other reason - such changes now contributing towards the term 'Tilted Balance'.

The Court of Appeal also held that a development plan without strategic housing policies is not automatically "out-of-date" for the purposes of paragraph 11d, and it remains a question of

planning judgment for the decision-maker. Therefore, the local policies which restrict housing delivery fall away and the 'tilted balance' should be engaged.

Tilted balance changes the 'balancing exercise' which the decision-taker makes when deciding whether to grant planning permission; from a neutral balance where, if the harm outweighs the benefits of the planning permission, will usually be withheld, in contrast to a 'tilted balance' where the harms identified would significantly and demonstrably outweigh the benefits so that permission should be withheld. Given the Authorities significant shortfall in housing delivery, this readily available site will assist deliver much needed housing and outweigh any purported demonstrable harm to the countryside deemed attributable by the Authority to the proposal.

The National Planning Policy Framework

The current version of the NPPF was adopted in February 2021 and provides a principal policy basis for the consideration of the proposal. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 sets out the approach to how plan and decision making should apply this presumption in their considerations. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c and in particular 11d).

The NPPF states at paragraph 38 that Authorities should approach decision making in a positive and creative way – in other words Authorities should look for solutions rather than problems. Authorities are encouraged to work proactively with Applicants to secure developments that will improve the economic, social, and environmental conditions of the area in which development is to be located. Decision makers are encouraged to approve applications for sustainable development, for innovative design solutions and to encourage the improvement of local design.

Paragraph 60 requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land come forward where it is needed, that the needs of groups of specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 61 states that to determine the number of homes needed, strategic policies should be informed by a local housing need assessment, unless exceptional circumstances justify otherwise.

Paragraph 68 sets out the over-arching approach to be taken in terms of identifying land for homes. It notes that authorities are required to demonstrate a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. This will be used to devise policies to identify a sufficient supply and mix of sites, considering their availability, suitability, and likely economic viability.

Paragraph 69 notes the important contribution that small and medium sized sites can make to meeting the housing requirement of a given area. At (c), is encouragement that LPAs 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. Whilst the main part of the site is adjacent to rather than within the settlement boundary (only the access road is within the settlement), the thrust of para 69 can equally be interpreted that some weight can nevertheless be given to windfall sites adjacent to settlement areas. The site is a windfall site, is readily deliverable being owned by the Applicants and will realise a theoretical development of circa 20 dwellings.

Amongst various requirements, Paragraph 74 stipulates that LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirements set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. The supply of deliverable sites should in addition include a buffer of up to 20% 'where there has been a significant under delivery of housing over the previous three years, to improve the proposed of achieving the planned supply'.

As noted above, the LPA have a significant and on-going under delivery of deliverable sites. The latest available position statement is set out in the Housing Land Supply Updated (December 2020). This states in para 2.9 that:

The NPPF requires that an appropriate buffer is applied to the housing need figure. In accordance with paragraph 73 of the NPPF (now 74), an additional 20% buffer is required where there has been significant under delivery of housing over the previous three years (*) When the 20% buffer is added, the five year housing requirement for the period 1 April 2020 to 31 March 2025 would therefore be 3,790 dwellings which equates to 758 dwellings per annum.

Paragraph 3.6 of the Housing Land Supply confirms that for the period in question, the LPA have

a housing land supply gathered across all sources, which amounts to a housing supply of 1479 dwellings against the identified requirement of 3790 homes. This in turn amounts to the LPA having only a 2 year supply of housing land supply far below identified and quantified targets.

Considering the shortfall in deliverable housing land supply throughout the District over several years, coupled with the inability of the LPA to empower the ability to meet housing target numbers, the Policies in the Development Plan and accompanying document, are out-of-date having reference to the definition of the same in NPPF paragraph 11 (d). Accordingly, the 'tilted-balance' inherent in paragraph 11 is engaged and planning permission must be granted planning permission unless there is clear rationale to consider otherwise such as conflict with footnote 7 to paragraph 11, or any adverse impacts of doing so would significant and demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

Paragraph 76 requires authorities monitor progress in building out sites with permission, and where the Housing Delivery Test indicates that delivery has fallen below 95% of the LPA's housing requirement over the previous 3 years, an LPA should prepare an action plan to assess the causes of the under-supply and identify actions to increase delivery rates. This is the case for Arun Council and therefore the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF applies.

The LPA have a substantial on-going shortfall in the delivery of housing land/housing units, and accordingly the title balance in NPPF paragraph 11 is fully engaged and given the absence of manifest harm within the proposal, the proposal should be approved without delay.

Section 9 of the NPPF, paragraph 104 of the same, sets out that proposals should consider transport issues from the early stages of development proposals, to ensure that amongst various aspirations, development address the impacts of proposals upon the local transport network, that opportunities to benefit from existing/ proposed transport infrastructure be embraced and patterns of movement, streets, parking, and other transport considerations are integral to the proposal.

Paragraph 107 states that when setting residential parking standards, policies consider various matters including the accessibility of the development, the type, mix and use of development, and factors such as the availability of public transport opportunities in the locale, local car ownership levels and the accessibility of the development generally.

Paragraph 110 requires proposal provide safe and suitable site access for all users. The LPA considered the scheme presented at pre-application stage to have acceptable connections and permeability. In terms of the adequacy of the access, past determinations have found the same acceptable in terms of visibility splays at the access. Nothing of substance has changed in this current application to consider this opinion will now change.

Paragraph 111 states developments 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 networks would be severe. The site will be served by the creation of a suitable access point and a junction which has been 'tracked' to demonstrate that ingress / egress by large vehicles can be realised. The use of the site by a no more than 9 dwellings is not considered a scale of scheme likely to generate an unacceptable number of vehicular movements onto a road which is more than capable of accommodating the additional movements proposed. It is considered the scheme is acceptable in all matters related to highway safety including access/junction design, visibility splays, trip generation, on-site turning and parking, traffic impacts and highway capacity.

Paragraph 112 (d) requires that development 'allow for the efficient delivery of goods, and access by service and emergency vehicles. The accompanying tracking/ swept path assessments illustrate that the road layout is such that refuse vehicles, fire tenders and occupiers will be able to access / turn / park upon the site as relevant, without hinderance.

Paragraph 119 advises that Policies promote the effective use of land to meet the need for development uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Given the principal constraints applicable to the site, it is considered that it would not be appropriate to propose a more intensive use of the site even though the site could readily accommodate the same.

Paragraph 120 notes that policies and decisions should:

- (d) Promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively...'

There is a pressing need for additional housing land in the District generally and certainly within the areas with close strategic road links within the same which are severally compromised and constrained by over-arching Policy designations principal amongst which is the countryside and the closer-knot nature of settlement boundaries which critically restricts the availability of developed land within the settlements necessitating consideration of available sites immediately adjoining the same – such as the application site.

Paragraph 124 requires that policies and decisions should support development that makes efficient use of land, considering various factors including:

1. identified need for different types of housing, and the availability of land suitable for accommodating it.
2. local market conditions and viability.
3. the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change, and
4. the importance of securing well-designed, attractive, and healthy places.

Paragraph 126 and Section 12 of the NPPF sets out the Government's approach to design in the round. This NPPF raises the bar set by the 2012 NPPF confirming that the 'creation of high-quality buildings and places' is fundamental to what the planning and development process should be striving to achieve'. Indeed 'good design is a key aspect of sustainable development'.

Paragraph 130 notes that planning policies and decisions should ensure that developments:

1. Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
2. Are visually attractive because of good architecture, layout, and appropriate and effective landscaping.
3. Are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).
4. Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.
5. Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
6. Create spaces that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposed linear layout in support of the strong building lines and 'formation of place' evident on the layout plan attached, are indicators of the potential to readily realise a quality design in keeping with the character and quality of the locale in which strong build lines and linear development are immediately evident.

Paragraph 131 discusses amongst various matters the importance of trees as important contributory features to urban environments and how they also help mitigate and adapt to climate change. Further, 'existing trees are retained wherever possible'. The proposal, whilst in outline form, retains the majority of principal trees and hedgerow however in order to establish the access some have been removed. There is potential to bolster and strengthen the landscaped boundary treatments to the betterment of the biological diversity of the site, and to the integration of the same into the locale.

Section 14 of the NPPF sets out policies to assist the planning system 'support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change'. This over-arching aspiration aims to assist shape places in a manner to radically reduce greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 indicates that new development be planned for in a manner which, amongst other aspirations, would:

Avoid increased vulnerability to the range of impacts arising from climate change, and
Helps to reduce greenhouse gas emissions, such as through its location, orientation, and design.

In terms of Flood Risk from whichever source, the site lies within Flood Zone 1. The accompanying Flood Risk Assessment & Sustainable Drainage Strategy considers the scheme within this context, and finds:

there is less than a 1 in 1000-year annual probability of flooding, that the potential of flooding from all other water sources is assessed as low,
that the designed drainage strategy will be commensurate with need / statutory requirement, and,
the proposal is consistent with the aims of the NPPF, Planning Practice Guidance and Local Flood Risk Management Strategy. Further, surface water runoff would be adequately managed within increasing the risk of flooding be that on site or elsewhere.

Whilst the proposal is in outline form, the calculations are based on the premises of the indicative scheme being that proposed. There is no reason the acceptability of the scheme in drainage and flood risk management cannot be applied to the reserved matters design.

Paragraph 159 considers flood risk within the context of planning, and notes that inappropriate development in areas at risk of flooding, should be avoided by directing such development from such areas to lower risk areas. As the site is already in a low-risk area, there is no rationale to look to locate the development elsewhere given the very lower risk of the site being flooded from any source.

Section 15 sets out how policies and decisions should contribute to and enhance the natural and local environment.

Paragraph 176 clarifies that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding natural Beauty which have the highest status of protection in relation to these issues. Further, 'development within their setting should be sensitively located and designed to void or minimise adverse impacts on the designated areas'.

The National Park lies directly to the north of the site, the site however is not located within the National Park and therefore this policy does not apply.

Paragraphs 179 to 182 consider development plans and habitats & biodiversity. Paragraph 180 requires that when determining applications, LPAs should apply key principles to negate against 'significant harm to biodiversity', and to negate against the loss or deterioration of irreplaceable habitats and – amongst various matters – to improve biodiversity in and around developments.

Paragraph 189 requires Applicants describe the significance of any heritage assets affected proportionate to the asset's importance. The site would be sufficiently distanced from nearby heritage assets to negate concerns regarding the setting of the same.

Paragraph 192 requires LPA take account of various factors when assessing applications affecting assets including the desirability of new development to make a positive contribution to local character and distinctiveness and the desirability of sustaining and enhancing the significance of the assets.

As noted above, the LPA's Development Plan is out of date, and accordingly the weight attributable to these policies is severally tempered – particularly those policies concerned with housing delivery. Indeed, the status of the local Development Plan policies are such, that the 'titled balance' inherent in paragraph 11 (d) is fully engaged, and accordingly planning permission should be granted without delay.

The following local development policies are considered relevant to the proposal.

Adopted Arun Local Plan 2018

Policy SD SP1 - Sustainable development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and 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). This presumption will not be applicable where development requires an Appropriate Assessment or where consideration of the need for one is being undertaken.

The development accords with a range of development policies and would proactively benefit the social, economic and environmental factors of the site. Notwithstanding this the outline

application would secure the layout for 9 much needed family dwellings.

Policy C SP1 - Countryside

Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is: a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or b. for quiet, informal recreation; or c. for green infrastructure; or d. for the diversification of the rural economy; or e. for road and/or cycle schemes; or f. in accordance with other policies in the Plan which refer to a specific use or type of development. The Council will take into account cumulative impact of development in the consideration of planning applications. To ensure better management of the rural-urban fringe in those areas where significant new development is proposed, early consideration will need to be given to landscape and biodiversity enhancement, woodland management, recreation provision and access routes.

The proposal is located in the countryside designation despite this it is positioned in a logical parcel of land which would accommodate up to 9 dwellings.

Policy H SP1 - The Housing Requirement

Within the plan period 2011 – 2031 at least 20,000 new homes will be accommodated in the District.

Policy H DM1 - Housing mix

The Council will seek a mix of dwelling types and sizes, to include affordable housing units, that adhere to the latest Homes and Communities Agency (37) design guidance. For developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations. The tenure mix for development schemes shall be negotiated on a case by case basis taking any necessary viability considerations into account. Developers shall have regard to the most up to date version of the SHMA. The Council will particularly encourage the development of self-build homes on appropriately sized, serviced sites in the first instance or on appropriately sized sites that are capable of being serviced. Such sites can be provided either as part of a development scheme or on an individual basis. Over the Plan period a proportion of the housing provided should be of a type that meet the needs of older people, as identified in the most recent SHMA. Such housing could be provided as part of the general mix of one and two bedroomed homes but should be designed to meet the needs of older people.

Policy AH SP2 - Affordable housing

For all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance. Where it can be proven, however, that 30% affordable housing provision is not viable, then a reduction in the amount of affordable housing on a site or off-site provision as part of another development within Arun District may be considered (as agreed with the local planning authority). The provision of affordable housing on a site at less than 30%, or on an alternative site or by way of a commuted sum will only normally be allowed in very exceptional circumstances if supported by robust evidence including, where appropriate, viability evidence. The Council will negotiate the affordable housing tenure mix on development sites from an initial position of 75% rent and 25% intermediate housing. Affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes. The affordable dwelling mix should comprise of the following range of homes unless evidence indicates otherwise. 1 bedroom 35 – 40% 2 bedroom 35 – 40% 3 bedroom 15 – 20% 4+ bedroom 5 – 10% Provision of affordable housing can be by either an Arun preferred Register Partner, an Affordable Housing Provider or the Council. All providers will be required to sign and adhere to the principles of the Council's Developer and Partner Charter Plus. Affordable housing will be made available for households on the Council's housing register or on the Homebuy Zone Agent's register, with nominations made by the Council from those registers. All planning applications that include residential development, either in whole or in part, must include an Affordable Housing Statement.

The proposal does not require the provision of affordable housing nonetheless the proposal includes a range of family sized dwellings which would benefit the highlighted needs of the district of Arun.

Policy H SP3 - Rural housing and exception sites

This policy would only apply when the housing need cannot be met on allocated housing sites or in the built up area boundary. Housing on rural exception sites will be permitted where they meet all of the following criteria and are consistent with all other Local Plan policies:

a. The site is located within a parish with an identified level of housing need following the undertaking of a Local Housing Needs Survey and will contribute towards meeting that identified

need;

- b. The exception site is adjacent to an existing Built-Up Area Boundary, or is well related to existing residential development and amenities located in, or adjacent to, a clearly identifiable village or settlement; and
- c. The proposed development would be appropriate to the settlement and area in which it is proposed to be located in terms of scale, form and character.

Within rural exception sites, both affordable and private market housing units shall be of a similar scale and design. Arun District Council will base its assessment of identified housing need on the Housing Register and other available up-to-date housing needs assessments. Development will be considered to contribute towards meeting an identified need, where it will provide accommodation for any of the following:

- d. Existing residents of the parish requiring separate accommodation;
- e. Persons who have longstanding family links (immediate family only e.g. parent, sibling or adult child and step relationships) with the parish;
- f. Grandparents, grandchildren, aunts or uncles and non adult children will be included only where the Council considers it necessary for the applicant to be accommodated within the Parish in order to provide or receive medical or social support to or from a relative;
- g. Persons with primary employment based within the parish; and/or
- h. Persons who have had to move away from the parish due to a lack of affordable housing, but would like to return. Permission granted in these cases will be subject to planning obligations and will include safeguards that the scheme provides for the identified local need and will continue to do so in perpetuity. Where, through Neighbourhood Development Plans, the community right to build or by agreement with Arun District Council, a parish has identified a demand for affordable housing and has identified an 'Exception Site', a maximum provision of one open market home for every two affordable homes shall be permitted. Neighbourhood Development Plans may include Rural Exception Sites but only where there is an identified need following the undertaking of a Local Housing Needs Survey. The detail and tenure mix shall be agreed with the Council. Where there is a lack of affordable land to meet local Traveller needs, the Council will consider allocating and releasing sites solely for affordable Traveller sites as part of the rural exceptions site policy approach. Such sites shall only be used for affordable Traveller sites in perpetuity. Mixed use shall not be permitted on rural exception sites.

It is clear the housing needs as outlined in the Authority's annual report is not being met standing at just 2.4 years and therefore policy 11 of the NPPF fundamentally applies.

Policy D SP1 - Design

All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

The proposal maintains the strong linear building line found on either end of the plot. Each plot features both brick and render as evident across the wider Dukes Road. The applicant has ensured both the inclusion of detached and semi-detached all of which are of 3 bedrooms or more, more than suitable for families across the borough. Significant long and wide garden amenity will be secured through the proposed layout.

Policy D DM1 - Aspects of form and design quality

When considering any application for development the Council will have regard to the following aspects:

1. Character Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.
2. Appearance/attractiveness Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area.
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.
4. Innovation Raise standards of design by embracing appropriate innovative design, new technologies and construction techniques, where a development proposal has the potential to do so.
5. Adaptability Acknowledge diversity and difference. Buildings and places should be flexible to future adaptation, including the changing needs of occupants (for example ageing users, family circumstances), changes in wider work and social trends, and be able to accommodate potential differing uses of public space.
6. Crime prevention Provide security measures that make places feel safer. This shall be achieved through natural surveillance and human presence by locating buildings and play

areas along public routes and spaces, and making a clear division between private and public land to foster a mutual protection through territorial belonging. With respect to crime prevention, regard shall be had in particular to the document 'Secured by Design' and the 'Safer Places - The Planning System and Crime Prevention'.

7. Trees and woodland All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals.

8. Solar gain Within the constraints of the site and local context development proposals should, maximise sunlight and passive solar energy. Ideally development should be positioned (within a 15-20 degree margin) broadly south, with streets having an east-west pattern.

9. Public realm Provide or enhance layouts, streets and public spaces so that they are attractive, socially inclusive, safe and secure, adaptable, with appropriate provision for planting, street furniture, and facilities for bicycle storage to create a place with attractive and successful outdoor areas.

10. Layout - movement Utilise existing networks or improve access via delivery of a variety of integrated networks, to and from residential areas, commercial zones, open spaces, facilities and public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept.

11. Layout - legibility Deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building detail, signage).

12. Public art Public Art should be incorporated into schemes where there is capacity to do so. Public art can encompass a wide variety of elements to include art as part of the design of buildings and developments, landscape and planting, street furniture, signage and lighting in the public realm which is accessible to all. This can also result in physical, permanent artworks and sculptures.

13. Density The density of new housing will make 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity.

14. Scale The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement.

15. Aspects of form and design quality Development should also comply with the Arun District Council Design Guide.

Policy D DM2 - Internal space standards

The planning authority will require internal spaces to be an appropriate size (having regard to the exceptions that may apply as referred to in paragraph 13.3.4) to meet the requirements of all occupants and their changing needs. Whilst in outline, the proposal has been designed to accord with the dimensional stipulations set out in the Nationally Described Space Standards

Policy ECC SP1 - Adapting to climate change

The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness of biodiversity. In order to achieve this, development must be designed to take account of the following issues:

- a. Location (in relation to flood risk and vulnerability to coastal erosion);
- b. Water efficiency;
- c. Shade, cooling, ventilation, solar gain;
- d. Connectivity to the green infrastructure network;
- e. Layout and massing;
- f. Resilience of buildings and building materials to extreme weather events; and
- g. Capacity of drainage systems and incorporation of Sustainable urban Drainage Systems (SuDS)

Policy T SP1 - Transport and Development

To ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. The Council will support transport and development which:

- a. Is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services whilst making provision for safe access to the highway network through improvements to the existing road network and the promotion of vehicles which use low-carbon energy;
- b. Is incorporated into the District's green infrastructure network and gives priority to pedestrian and cycle movements;

- c. Protects committed and indicative lines of major road schemes from development and, where applicable, contributes towards new road schemes which improve north-south links between Bognor Regis and Littlehampton and the A27, to ensure that they are delivered in line with strategic growth in the District;
- d. 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 and;
- e. Is supported by an effective and deliverable Transport Assessment which demonstrates that the transport effects of development on the local and strategic road network can be satisfactorily mitigated and a Travel Plan, which is effective and deliverable, and;
- f. 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; iv. incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and v. consider the needs of people with disabilities by all modes of transport.
- g. Provides improved crossing points over the railway line to improve transport links between the coast and the A27, in particular at Ford.

Policy T DM1 - Sustainable Travel and Public Rights of Way

New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community. Proposals for all new development must: a. Be located within easy access of established public transport service(s), existing pedestrian and cycle networks, the committed and aspirational cycle networks and the green infrastructure network which links the development with key destinations including places of work, education, leisure and town centres; b. Where applicable, contribute to the extension of public transport services to serve the development and community transport services to ensure that a wide range of transport services are available to all residents; c. Make provision for cycling and pedestrian facilities to meet the County Council Parking Standards, including cycle storage, convenient and secure cycle parking in association with retail and educational uses and sufficient secure parking and changing/showering facilities at places of work; d. Contribute towards the provision of a joined up cycle network and Public Rights of Way network, taking into account the aspirational cycle network, which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists and; where appropriate, horse riders, both within the development and in the form of links between the development and; i. places of work, education, leisure and food retail; ii. the South Downs National Park, iii. along the coast particularly between Bognor Regis and Littlehampton, iv. along the coast to Chichester, v. Bognor Regis to Arundel, and vi. Littlehampton to Goring.

Policy HER SP1 - The historic environment

The Local Planning Authority will grant planning permission or relevant consent for development proposals that conserve or enhance the historic environment of the District.

The site is significantly removed from any nearby heritage assets.

Policy ENV SP1 - Natural Environment

Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. In relation to designated sites, development will be permitted where it protects sites listed in Tables 17.1-17.7 that are recognised for the species and habitats contained within them.

Policy ENV DM5 - Development and biodiversity

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). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement. Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where

appropriate, suitably licensed person. All developments shall have regard to Natural England's standing advice for protected species.

Policy W DM2 - Flood risk

Development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), will only be permitted where all of the following criteria have been satisfied: a. The sequential test in accordance with the National Planning Policy Guidance has been met. b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall. c. The sustainability benefits to the wider community are clearly identified. d. The scheme identifies adaptation and mitigation measures. e. Appropriate flood warning and evacuation plans are in place; and f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas. The reports prepared as part of the criteria above must take into account contingency allowances, taking climate change into account as set out in Flood Risk Assessments: climate change allowances section of the NPPG. In locations where strategic flood defence or resilient and resistant construction measures are necessary within the site itself, proposals will be required to demonstrate how measures have been incorporated as an intrinsic part of the scheme in a manner which is compatible with the latest Strategic Flood Risk Assessment. All development proposals must take account of relevant Surface Water Management Plans, Catchment Flood Management Plans and related Flood Defence Plans and strategies such as the Lower Tidal River Arun Strategy. The council may require financial contributions from development on sites where measures to address flood risk or to improve the environmental quality of watercourses have been identified by these Plans and Strategies.

Policy W DM3 - Sustainable Urban Drainage Systems

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. Proposals for both major and minor development proposals must incorporate SUDS within the private areas of the development in order to provide source control features to the overall SUDS design. These features include: Green roofs Permeable driveways and parking Soakaways Water harvesting and storage features including water butts. Proposals for major development must also integrate SUDS within public open spaces and roads, reflecting discussion with the appropriate bodies. SUDS must therefore be integrated into the overall design of a development and must: a. Contribute positively to the appearance of the area, integrating access to allow maintenance of existing watercourses and the system. b. Effectively manage water (including its quality) c. Accommodate and enhance biodiversity by making connections to existing Green Infrastructure assets and d. Provide amenity for local residents (ensuring a safe environment) e. Retain the existing drainage network of the site and the wider area, f. Be maintained in perpetuity, supported through a Maintenance and Management Plan/Regime, including its financing, agreed with the Local Planning Authority. In order to ensure that SUDS discharge water from the development at the same or lesser rate, as prior to construction, developers must: f. 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 SUDS manual produced by CIRIA. g. Undertake up to six months groundwater monitoring within the winter period. h. Undertake winter percolation testing in accordance with BRE365. i. The proposed drainage system must be designed to ensure that there is no flooding on a 1 in 30 year storm event. j. The design must also take account of the 1 in 100 year storm event plus 30% allowance for climate change, on stored volumes, to ensure that there is no flooding of properties or the public highway or inundation of the foul sewerage system. Any excess flows must be contained within the site boundary, and within designated storage areas.

The accompanying report by Lanmor consulting concludes the outlining development to be located within Flood Zone 1 and therefore it will not be subject to flooding from an extreme event with a probability of 0.1% or greater. The site will further not present a restriction to the flow of flood waters or result in a loss of storage volumes and it will not suffer damage as a result of flooding, even when increases in flood levels due to climate change are factored in. As part of the assessment SUDS were considered for the discharge of surface water runoff from the proposed buildings, amenity and parking areas. The proposed drainage strategy for the development is to use soakaways to discharge the runoff from the development. Attenuation will be provided on site within the soakaway to accommodate events with a probability of 1.0% plus 40% allowance for climate change.

Policy WM DM1 - Waste Management

Proposals for development anticipated to cost over £300,000 must identify the volume and type of materials to be demolished and/or excavated as part of the development. Opportunities for the re-use and recovery of materials on site must be demonstrated and off-site disposal of waste must be minimised and managed. New residential development, including conversion of one dwelling into multiple units, will be permitted provided that: a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles b. Where appropriate, communal

recycling bins and safe bin storage areas are available to residents of flats. In accordance with the West Sussex Waste Local Plan, there will be a general presumption against any development which may harm or prejudice the operation of existing and allocated waste facilities and infrastructure. The Council will consult the relevant Waste Planning Authority on development proposed at, adjacent or proximal to existing or allocated waste sites and infrastructure.

Policy QE SP1 - Quality of the environment

The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District. The location of existing industrial and commercial uses, including waste management uses, must be taken into consideration when assessing proposals for development sensitive to noise, light, odour and outputs to air. This is to ensure that land allocated for these uses are protected and to ensure that the amenity of new developments and facilities is safeguarded from the impacts of incompatible land uses.

Policy QE DM1 - Noise pollution

New noise sensitive development Residential development likely to experience noise from road, rail or air, in particular development in close proximity to: A284/A259 Wick roundabout Stretches of the A27 around Arundel and Fontwell Sections of the A29 and A259 in Bognor Regis A284 in Littlehampton and The stretch of railway line that runs through Barnham station must:

- a. Be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise.
 - b. Consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future. To safeguard the continued use of existing industrial and commercial uses and to protect amenity, noise sensitive development should not normally be permitted where:
 - c. High levels of noise will continue throughout the night, especially during the hours when people are normally sleeping.
 - d. There is a likelihood of complaints about noise from industrial development.
- (81) 2. New noise generating development Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Proposals will need to be supported by:
- a. Evidence to demonstrate that there are no suitable alternative locations for the development.
 - b. A noise report which provides accurate information about the existing noise environment, and the likely impact of the proposed development upon the noise environment. The report must also demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex, and any mitigation measures required to ensure noise is managed to an acceptable level.
 - c. Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity, including Gaps Between Settlements which are important to the enjoyment of Arun's countryside, its habitats and biodiversity.

Aldingbourne Neighbourhood Development Plan 2019- 2031 (adopted 2021)

The NPPF paragraph 14 notes, 'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and d) the local planning authority's housing delivery was at least 45% of that required over the previous three years'.

The council have a housing supply of 2.4 years and as such the Neighbourhood plan of Aldingbourne is outdated and therefore the tilted planning balance outlined in paragraph 11 applies.

Policy H1 Provide housing to meet District Council allocation Permission will be granted, within the Plan period, for housing on land identified on the Proposals Map as follows: 1. Land north of Lees Yard, Lidsey Road - 38 dwellings H1.1 2019 Pursuant to policy H SP1 of the Arun Local Plan for non-strategic sites, provision was made by the District Council for 70 dwellings to be allocated in this Plan. 25 units have been granted planning permission at Nyton Nursery and 55, brought forward through the NP process, but granted consent at Wings Nursery which can be counted towards the allocation. Therefore, with the additional site allocated by this policy the Parish will have exceeded its allocation by 48 units an increase of 67%. H1.2 2019 A percentage of housing delivered by the site will be expected to be delivered through the Aldingbourne,

Barnham and Eastergate Community Land Trust. H1.3 2019 Occupation of development is phased to align with the delivery of sewerage infrastructure, in liaison with the service provider. H1.4 2019 A full transport assessment will be required with any future planning application seeking approval of access as a cumulative assessment for the site and any other local committed/proposed sites, to identify any local mitigation and sustainable access and transport provision required. H1.5 2019 Proposals will be expected to conform to the other policies in this Plan and also to provide (through S106 or CIL) funding projects identified through the Infrastructure Delivery Plan (see Appendix H).

Policy H2 Housing Mix - SAVED Proposals for new housing must deliver a range of house types, sizes and tenures. Applicants should demonstrate how the proposal will meet local needs. Proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. H2.1 Sites that are close to a shop will be particularly suited to meeting the needs of smaller households of older or younger people without access to private transport, including older people wishing to downsize. H2.2 Lifetime Standards will assist with the needs of our ageing population. Whilst, the revised Part M of the Building Regulations relates to accessibility, the Lifetime Homes Standards go further, by helping to make dwellings adaptable for differing households' accessibility needs, with potential for improved access to storeys above the entrance level and key facilities. Given the higher than average number of older residents within the Parish, the improvements that Lifetime Homes Standards can bring are considered to be part of the way in which the needs of different sectors of the community can be met. Justification: Objective 1a; NPPF 5; ADC Policy H DM1

Policy H3 Housing density - SAVED The density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties. H3.1 To ensure that it does not harm the established character and appearance of the local area by the over development of sites giving rise to cramped and out of character developments. Justification: Objective 1b; NPPF 5

Policy H4 Affordable Housing - AMENDED Any proposal for 10 or more new dwellings should include 30% affordable units. The size and tenure of affordable units should reflect latest available housing needs evidence. H4.1 Where it can be demonstrated that 30% provision on-site is not viable, a reduced provision or off-site provision may be considered. H4.2 Affordable units delivered on-site must be indistinguishable from the market dwellings. Developers will be expected to use the latest available housing needs evidence from Arun District Council to determine the appropriate size and tenure for the affordable homes. Appropriate arrangements should be made to ensure that the affordable housing is delivered and managed in accordance with any relevant adopted guidance produced by Arun District Council. Justification: Housing Needs Study; Objective 1a; NPPF 5

Policy H8 Outdoor Space - SAVED All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area. H8.1 Proposals for new housing development should include good quality outdoor amenity space – either private gardens or a shared amenity area and should contribute to providing tree cover and improved biodiversity. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate utility (for play and recreation) and quality having regard to topography, shadowing (from buildings and landscape features) and privacy. H8.2 Good quality outdoor space improves recreation opportunities for young and old, contributes to the open feel of the village and provides opportunities to increase biodiversity. Justification: Objective 1b; NPPF 8

Policy H9 Attention to detail - SAVED The following items must be considered early in the design process and integrated into the overall scheme: • bin stores and recycling facilities • cycle stores • meter boxes • lighting • flues and ventilation ducts • gutters and pipes • satellite dishes and telephone lines. H9.1 These items are all too easily forgotten about until the end of the design process. By considering them early, it will be possible to meet the following requirements: • Bin stores and recycling facilities should be designed to screen bins from public view, whilst being easily accessible for residents. Bin stores must be placed in a position that meets the County Council's Highways standards; • Meter boxes need not be standard white units: consider a bespoke approach that fits in with the materials used for the remainder of the building. Position them to be unobtrusive; • Carefully position flues and ventilation ducts, ensuring they are as unobtrusive as possible. Use good quality grilles that fit in with the approach to materials for the building as a whole; • Ensure that gutters and pipes fit into the overall design approach to the building and aim to minimise their visual impact; • Lighting schemes that prevent light spillage and glare and face inwards away from open landscapes. Justification: Objective 1b : NPPF 12

Policy EH3 Development on Agricultural Land - SAVED 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: • It supports the diversification of an agricultural enterprise or other land-based rural business; • The need for the development clearly outweighs the harm; EH3.1 In order to safeguard future food production, and in turn, future employment in the locality, and to maintain

the rural aspect of the Parish. EH3.2 'Best and most versatile' agricultural land includes the land classified as Grades 1, 2 and 3a on Map B which is a extract from the Defra Agricultural Land Classification Map for London and the South East (ALC007, published on 24/08/2010) Justification: Objective 2a; NPPF 15 para 170b; ADC Policy SO DM1

Policy EH5 Surface Water Management - SAVED New development, within areas at risk from flooding, will not be permitted unless it is supported by a site-specific Flood Risk Assessment which provides clear evidence to demonstrate that the proposal: a). Would not give rise to additional risk of flooding, either to the development site or to other land, arising from the carrying out or use of the development; b). Would make appropriate provision for accommodating the surface water and foul water arising from the development EH5.1 Residents have indicated strongly that they do not want to see further development until work is completed on the Aldingbourne Rife Integrated Flood Risk Management Plan & Works (ARIFRM) Strategy as surface water run off contributes to flooding in Aldingbourne and to neighbouring parishes. EH5.2 The coast to the south and in particular the resorts of Felpham and Bognor Regis are monitored for bathing water quality which plays a part in their status as 'Blue Flag' resorts. Bathing water quality is affected by both the Aldingbourne Rife and surface water drainage, particularly after rainfall. The output from the ARIFRM may also have an impact on ensuring the quality of the water. At times of high stress, sewerage and water is often discharged into the Aldingbourne Rife system by Southern Water. EH5.3 Aldingbourne Parish is located on the Arun coastal flood plain and, together with the neighbouring Parishes of Barnham and Eastergate and Walberton, they have experienced numerous incidents of localised flooding over many years during periods of prolonged and heavy rainfall. The most serious resulting in the flooding of residential homes and businesses, surcharging of the local foul sewer network and disruption of the local transport infrastructure. EH5.4 Where applicable, surface water management measures will be required for development proposals to ensure that the risk of flooding both on-site and downstream is not increased. No development should be commenced until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Developers should expect to carry out winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE Digest 365, or similar, to support the design of any infiltration drainage. The expectation will be that the complete surface water drainage system serving the property is implemented (in accordance with agreed details) before the development is occupied. EH5.5 Consideration should be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate, but not where the winter water table is less than 0.7 of a metre below ground level. Sustainable drainage systems on private property, whether they are private or adopted, should be approved by the relevant SUDS Lead Local Flood Authority (WSCC) prior to the commencement of development and conform to the recommendations of the latest available SUDS Manual produced by CIRIA. EH5.6 Where a site specific Flood Risk Assessment is required, this should demonstrate that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall. Any proposed mitigation measures proposed as part of the Flood Risk Assessment must be deliverable and sustainable, including details for the provision of long term maintenance and management of any new feature for the lifetime of the development. EH5.7 The Parish Council supports the goal of ensuring that the environment and water quality of the rife system and chalk stream network within the catchment is either maintained or improved to its highest possible level including seeking the enforcement of riparian responsibilities. Wherever possible, culverting and the constricting of watercourses and their immediate environs should be avoided. Justification: Objective 2d; NPPF 14; ADC Policy W DM2

Policy EH6 Protection of trees and hedgerows - SAVED Development that damages or results in the loss of trees of arboricultural and amenity value or loss of hedgerows and/or priority habitat, or which significantly damages ecological networks will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss. Development proposals, where appropriate, must be designed to incorporate biodiversity within and around developments and enhance ecological networks, seeking to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature. Proposals which affect sites with existing trees or hedgerows should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained. EH6.1 Trees and hedgerows contribute to the open and pleasant feel of the Parish, its play areas and residential properties. The removal of trees to make way for development can completely change the amenities of an area and must be resisted. Loss of areas of ground cover and habitat such as unimproved grassland can have a significant effect on wildlife such as small mammals and bats. Aldingbourne is breeding ground for 17 of the 18 UK resident bat species. It is also home to a number of types of owl which feed on small mammals. EH6.2 Part of the Plan area falls within the 12km buffer applied to Singleton and Cocking Tunnels SAC created by policy SD10 of the South Downs Local Plan. Protection of the habitats, many of which are located within the biodiversity corridors is important for feeding and roosting sites. Justification: Objective 2c; NPPF 15; ADC Policy ENV DM4; SDNP Policy SD10

Policy GA3 Parking and new development - SAVED Proposals must provide adequate parking in accordance with the standards adopted at the time. Proposals that would result in a loss of parking spaces either on or off street will be resisted. GA3.1 Parking in Aldingbourne is a constant issue with traffic flows interrupted, blocked driveways and parking on pavements. New development must seek to ensure that these problems are not exacerbated. GA3.2 The way in which car parking is designed into new residential development will have a major effect on the quality of development and its ability to blend into its location. There are two principles to designing parking: • Cars parked on the street and in front of dwellings can seriously detract from the character and quality of the place. Minimising the visual impact of parked cars can let the buildings and landscape dominate instead; • Residents must be provided with safe and convenient access to their cars. Hiding cars away in rear courtyards can lead to problems of crime and lack of personal security. Residents like to be able to see their parked car from their home. For in-curtilage parking, the following principles should be incorporated: • Garages must be large enough to be usable-internal dimensions of 6.5m x 3m are recommended as a minimum; • Garages should be designed to reflect the architectural style of the house they serve • Garages should be set back from the street frontage • Parking spaces should be located in between houses (rather than in front) so that it does not dominate the street scene • Where parking is located in front of houses, design the street and the landscape to minimise the visual impact e.g. incorporate planting between front gardens. G A 3.3 Where parking cannot be provided in-curtilage, the following principles should be incorporated: • Rear parking areas should be kept small and serve no more than six homes so that there is a clear sense of ownership • Avoid large parking courts to the rear of dwellings • Design parking into courts and mews to the front of dwellings, where the spaces can form not only a functional space for cars but an attractive setting for the buildings • Include parking for visitors and deliveries Justification: Objective 1c; NPPF 8, 12; ADC Policy T SP1

Relevant Planning History

The LPA's online planning application database shows that the site has not been the subject of any past planning applications.

Aside from this the applicant has previously engaged with the Council by way of a pre-application.

It is of considerable relevance to the Applicant's case, that the many precedents for the development of land within the District, where factors including the trigger of the titled balance in paragraph 11 of the NPPF have been engaged, are considered. The following are but a few examples where the LPA's under-delivery of housing land supply, housing units and the status of the Local Plan, have combined to trigger the titled balance and the presumption in favour of sustainable development.

Application BN/142/20/OUT for the 'Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings' was recently allowed on Appeal. In January 2022, the inspectorate concluded their report by noting

'There is little to indicate that the situation will markedly improve in the short term. Two broad conclusions follow from this. First, the scale of shortfall in meeting in housing need is substantial and the consequential deprivation of opportunity to secure a suitable, decent home for those in housing need is significantly harmful. The corollary of this is that the public benefit of deliverable housing supply, including affordable housing, should be afforded substantial weight in any balancing exercise. Second, and notwithstanding the imminent making of eNP2, on the basis of having less than 3 years deliverable supply, a planning balance undertaken in the terms of NPPF paragraph 11(d)(ii) should be tilted in the presumption in favour of sustainable development, as echoed at ALP Policy SD SP1. Allied to this, those development plan policies relevant to the supply of housing are out-of-date and so the weight to any harmful conflict with them is to be reduced'.

Numerous other applications have had similar determinations these include application (WA/79/20/PL) for the 'erection of 8 new dwelling houses'. The Appeal inspectorate noted the housing supply to be substantially below the housing requirement for the previous 3 years at the time of writing their report the Council could deliver a 2.7 year supply. Today, this has been reduced further to 2.4 years. A clear indication that the tilted planning balance must be applied in this application.

Other applications include the allowed appeal for 9 dwellings to the rear of Inglenook Hotel, 253-255 Pagham Road, Pagham (P/58/19/PL allowed on Appeal 18th December 2020), a 66 bed carehome at a former poultry farm site on Yapton Road in Middleton on Sea (M/80/19/PL allowed on appeal 22 January 2021 and the application of BE/109/19/OUT for the 'Outline application with some matters reserved for up to 46 No dwellings together with access' which won a success appeal in December 2021. In all these cases paragraph 11 was engaged.

It is evident that the housing supply in Arun District has worsened since the above-mentioned appeals. By the councils own Annual monitor report it is understood the council can deliver a 2.4-year housing land supply, significantly below that of the 5 year land supply required. It is therefore apparent that paragraph 11 of the NPPF specifically the tilted weight applies.

Assessment

The Proposal

The proposal is submitted in outline form with all matters reserved save for the means of access and siting.

The accompanying design outlines the placement of the 9 dwellings. This design / layout has been interrogated in terms of accessibility, usability, ecology, drainage / SuDS and arboriculture, and the need for the housing tenure proposed assessed via an up- to-date Housing Needs Assessment.

The layout is readily deliverable and achievable without harm to issues of acknowledged importance of conflict with the Development Plan in the round – particularly once the titled balance triggered by the LPAs under-delivery of housing units and the chronic shortfall in housing land supply and the out-of-date status of the Local Plan, are considered.

The proposal is an acceptable development of land which is located within a building envelope defined by the dwellings either side of the same. The proposal would constitute infilling of a gap in an otherwise established linear built-up frontage.

The proposal would be served by two points of access including a new access towards the north west end of the frontage.

The scheme would assist address the chronic shortfall in the provision of a form of housing tenure which is entirely and unquestionably unmet within the village, the Parish and indeed the District, all without causing harm to issues of acknowledged importance.

Amount

The scheme is submitted in outline, though accompanying drawings indicate an eminently deliverable scheme of 9 dwellings served by an access to Dukes Road and internal road layout dimensioned to adoptable standards.

Affordable Housing

The proposal does not meet the threshold for affordable housing.

Amenity Space, Layout, Scale and Overlooking

Through the identification of principal constraints and opportunities inherent in the site, the design has been refined to realise a design and layout which sympathetically realises the potential of the site in accordance with the requirements of the development plan, local context, linear built form building lines evident and local density, dwelling form and generally layout.

Whilst in outline form, the design has been evolved to show how a high-quality dwelling house design can be realised which will not impact on the amenities, outlook, or privacy of neighbouring occupiers.

The suite of drawings accompanying this application provide a robust indication of the layout, form and quantum of the proposed development that would be readily accommodated within the site without leading to demonstrable harm to the character of the site, the amenities of neighbours or the appearance of the development within the wider Dukes Road street scene.

A Policy compliant amount of private amenity space will be provided within the site.

Appearance

The accompanying plans highlight the design proposed, material palette and architectural approach utilised will result in a scheme entirely in keeping with the architectural theme evident along Dukes Road, where the range of architecture is noticeably varied save for the general uniformity of building lines, use of brick and rendered finishes and dwellings up-to two-storey high dwellings – all features evident within the indicative appearance drawings herein presented.

The design of the scheme has been shaped and informed through extensive reappraisal of the surrounding street scene context and to satisfy principal policy considerations. This serves to reinforce the Applicant's belief that the proposal would result in a very high-quality development and a positive asset to the built form evident in the locale.

Landscaping

The layout facilitates the enhancement and improvement of the landscaping stock within and bordering the site. Specific all residents will have an acceptable level of amenity space.

Access / Parking / Cycle Storage / Refuse & Recycling

Whilst in outline form, the proposal has been designed to realise a policy compliant provision of parking spaces both within and adjacent to curtilage, commensurate with the requirements set out for the same in the Local Plan.

There is sufficient room within the curtilage of each dwelling to incorporate safe and secure cycle storage – a secure bike store / shed can be provided for each dwelling.

Whilst public transport options exist, it is acknowledged that the site is relatively inaccessible other than by private vehicle. However, being adjacent to a settlement the site is in a sustainable location, and it is considered that the accessibility credentials of the site are sufficiently robust to align with Policy requirements.

Local transportation routes include the bus services of the 658, 1B and 85 located between the site and Fontwell village which runs towards Arundel and Chichester.

Each dwelling would have a bin storage space provided adjacent to the dwelling which is within close enough drag / carrying distance of the kerbside collection point(s).

Conclusion

The proposal entails the development of an under-used parcel of land in an efficient, comprehensive, and eminently suitable manner to realise a form of development which would constitute appropriate infilling. The site is not used in the optimal manner for a site partially within and otherwise immediately adjacent to a settlement where new housing development is absent despite the pressing and evidenced demand for the same. The proposal is an opportunity to efficiently develop and eminently suitable parcel of land for a sought-after usage.

Whilst in outline form, this proposal is accompanied by a suite of reports and documentation which confirm the credentials of the proposal are in line alignment with the requirements of the Development Plan and relevant design guidance i.e., drainage, arboriculture, and highway access.

The proposal herein presented, where this carried across to the reserved matters submission, would realise 9 housing units considered the optimal number of units capable of being accommodated whilst remaining suitable for local density and built form context.

As set out above, the titled balance enshrined in paragraph 11(d) (ii) of the NPPF applies to this proposal. The LPA do not have an up-to-date Local Plan. The LPA have a chronic under-supply of housing land supply. The LPA are under-delivering in terms of housing unit numbers across all tenure types.

The benefits arising from the proposal demonstrably outweigh the potential for harm otherwise associated with the proposal, and accordingly when all matters are weighed up, it is clear that the benefits arising from the proposals amount to very special circumstances, and collectively significantly, unquestionably and demonstrably outweigh identifiable harm.

Further as many recent Appeals have confirmed, when presented with schemes which do not have significant and demonstrable negative attributes, a housing proposal must be granted consent. On the basis that the proposal would add housing within a row of existing housing and not lead to any negative impacts on demonstrable or substantial note, the proposal can be found acceptable and granted consent.

The proposal is considered in accordance with all applicable National and Development Plan policies. It is contended that the scheme is of a form where the benefits to the site and adjacent area is manifest and accordingly the scheme is capable of being received and supported by planning officers and the LPA.