

REPORT UPDATE

Application No: AL/79/20/OUT

Reason for the Update / Changes

REASON FOR UPDATE/CHANGES:

(1) There is a typo in the Other Material Considerations section of the report. It should say: "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."

(2) The Councils Landscape Officer has now responded and recommends no landscape objection subject to the submission of a detailed landscape scheme to be conditioned or submitted at reserved matters stage. The officer states that the potential impact of the proposals could blend into the surrounding environment with further thought given to the landscape offer and greening at Reserved Matters stage to counteract this. Also, that there would be no requirement for the provision of on-site Public Open Space or Play.

(3) The Councils Drainage Engineer has provided further advice following the amendment to the red edge to include the land needed for discharge to the western boundary. No objection is raised in principle and the detail can be resolved through appropriate conditions (these are already included in the recommendation). In particular, it is noted that there will be a requirement for treatment of the surface water to remove pollution prior to it entering the ditch thus minimising any risk of pollution to the Neighbourhood Plan designated biodiversity corridor.

(4) Following a question raised by members at Briefing Panel, the applicant has commented that the scheme will connect to the existing Southern Water foul main in Hook. Southern Water have raised no objection subject to receipt of a formal application for a connection to the public sewer. Members will note that Southern Water has a duty to provide network capacity as funded by the New Infrastructure Charge.

(5) The Council has received 2 additional letters of objection. These raise the following new issues:

- (a) The development will further deteriorate Hook Lane;
- (b) Increased congestion when level crossing gates are down;
- (c) Disturbance to Metis Homes residents during construction of the site;
- (d) Loss of hedgerows;
- (e) Insufficient local education & medical infrastructure plus no shops; and
- (f) Were advised that no houses would be built on this land due to it being agricultural.

In response:

- (a) & (b) WSCC do not advise that the development will result in any severe impacts and thus raise no objection;
- (c) Such impacts will be temporary in nature and will be carefully controlled by way of condition requiring approval of a Construction Management Plan;
- (d) The loss of hedgerows is considered within the report and it is stated that the extent of loss is 13m;
- (e) Infrastructure is considered within the report; and

(f) The agricultural status is considered within the report.

OFFICERS COMMENT:

There are no changes to the recommendation or conditions.

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

Recommendation Report for Outline Consent

REF NO:	AL/79/20/OUT
LOCATION:	Land to West of Hook Lane Hook Lane Westergate PO20 3TE
PROPOSAL:	Outline planning application with some matters reserved (Layout, Scale, Appearance and Landscaping are to be determined as reserved matters) for the construction of 10 No. dwellings & the creation of a new vehicular & pedestrian access on to Hook Lane. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The scheme is in outline with all matters reserved except access. The scheme proposes to provide a new vehicular and pedestrian access onto Hook Lane to serve 8 of the dwellings. A second access driveway will serve the other two. Pedestrian footway will link with the existing pavement on the western side of Hook Lane. The main access road is 5m wide but with a full 14m extent where it meets Hook Lane. A dropped kerb tactile paved point crossing the new bellmouth junction has been shown. An illustrative layout suggests a scheme of two storey houses with parking, garages and landscaping but matters of appearance, scale, layout and landscaping are reserved at this time. The narrow strip of red edge extending to the west is required to facilitate a future drainage connection to the watercourse at the western edge of the nursery site.
SITE AREA	0.4 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	25 dwellings per hectare.
TOPOGRAPHY	The land drops by circa 0.2-0.3m from the northern boundary before generally flattening and then rising slightly by circa 0.1m.
TREES	Four young trees in the site including a Sycamore in the north

eastern part and three Silver Birch in a small part of the southern boundary. The Sycamore is to be felled, the others retained. There is hedging to the eastern, western and part southern boundaries.

BOUNDARY TREATMENT

1.8m high timber fence to the northern boundary. 1.5m Barbed Wire fencing and hedging to the western and eastern boundaries. Currently open to the southern boundary.

SITE CHARACTERISTICS

Part of the land associated with the adjacent Fleurie Nurseries (Omnia Site) horticultural site. Currently grassed. There is a small area of concrete (above a septic tank), a telegraph pole and an electric meter box within the site. The septic tank is linked by pipe to the toilet building on the nursery site and would need to be relocated if the development is implemented.

CHARACTER OF LOCALITY

Semi-rural area. The site is opposite a ribbon of housing development along Hook Lane which consists of a mix of detached bungalows, chalet bungalows & two storey houses of varying architectural styles and designs. There is a housing site (Metis Homes) of 14 dwellings adjacent to the north which is mixed between single and two storey. Four two storey dwellings have bedroom/bathroom windows overlooking the site. To the west of the site is a reservoir associated with the nursery site. The nursery to the south and includes various horticultural and ancillary buildings.

RELEVANT SITE HISTORY

AL/33/19/RES	Approval of reserved matters following the consent of AL/8/16/OUT (APP/C3810/W/16/3155330) for the erection of 14 No. dwellings with associated access, parking, landscape & open space.	ApproveConditionally 15-07-19
AL/8/16/OUT	Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan.	Refused 16-05-16
		Appeal: Allowed+Conditions 03-05-18

Part of the site has been used for open storage but this has ceased. The adjacent site to the north (Land at Barnside) has recently been partially redeveloped by Metis Homes with 14 residential dwellings alongside the retained dwelling. The applications above relate to that site.

REPRESENTATIONS

Aldingbourne Parish Council object for the following reasons:

(1) Outside Built Up Area Boundary and emerging Aldingbourne Neighbourhood Development Plan

proposes additional housing;

- (2) Loss of a valuable green space and so harm to the character and appearance of the area;
- (3) Harm to bats associated with the Singleton and Cocking Tunnel Special Area of Conservation. Do not support comments of Councils ecologist;
- (4) Material increase in vehicular movements along a narrow country lane which would have serious implications for highway safety;
- (5) Unsustainable site and there is no shop at Woodgate;
- (6) The release of further water into the watercourse to the west will harm biodiversity; and
- (7) Housing applications should only be submitted as Full applications to enable full and proper assessment.

16 letters of objection from local residents (as of 03/02/21):

- (1) Outside Built Up Area Boundary;
- (2) Not sustainable location;
- (3) Shop was closed before Covid-19 so to say otherwise is not true;
- (4) Insufficient local infrastructure/services;
- (5) Highway safety in part due to narrow nature of the road and blind bends;
- (6) Hook Lane needs widening with pavements, street lighting, and formal pedestrian crossing places;
- (7) Massive increase in the number of houses on Hook Lane;
- (8) Harm to the character of Hook Lane;
- (9) Increased surface water flooding on Hook Lane;
- (10) Harm to wildlife & net biodiversity loss;
- (11) Harm to a biodiversity corridor;
- (12) Harm to bats associated with the Singleton & Cocking Tunnels Special Area of Conservation;
- (13) Increase in local air & noise pollution;
- (14) Light disturbance from car headlights facing Hook Lane;
- (15) New homes on Metis Homes site and houses on Hook Lane will be overlooked/lose light; and
- (16) The Road Safety Audit was carried out at on Thursday 10/12/20 at around 1pm when the road was closed to through traffic and is therefore not representative of traffic conditions.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect to the Parish Council response, items (1), (2), (3), (4), (5) & (6) will be considered in the conclusions section with the following offered in respect of parts of (3) & (5) and the other concerns:

(3) Whilst it is accepted that the narrow strip of land in the site red edge means that the site does directly abut the designated biodiversity corridor, the part of the site comprising new houses is 53m from this corridor. The comment about the Councils ecologist is noted but not considered to affect the weight to be given to the ecologist's comments.

In respect of the resident objections, items (1), (2), (5) & (8) - (13) & (15) will be considered in the conclusions section with the following offered in respect of the other concerns:

(4) Noted. This development will be liable for CIL and whilst this will be calculated at the Reserved Matters stage, members may wish to note that the recent 9 dwelling permission at Springfields on the opposite side of the road attracted a CIL requirement of £125,100. The Parish Council will receive a 25% share of any CIL collected.

(6) Noted but it is not possible to secure improvements to the length of Hook Lane through a particular planning application. This application does propose to tie in with existing footpaths on the western side of Hook Lane.

(7) Noted.

(14) The Councils Environmental Health Officers have not raised this concern. Neither of the two access points are directly in line with residential properties opposite and that headlights will only affect ground level windows. Properties opposite are two storeys or have hedges to front boundaries.

(16) It is the purpose of Road Safety Audits (RSA) to provide an independent assessment of the key design and operating arrangements of the highway works. The RSA identifies potential road safety issues or problems that may affect all users of the highway and recommend measures to eliminate or mitigate these problems.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection on basis of the proposal, in isolation, will not materially affect the safety, reliability and/or operation of the strategic road network. State it may be appropriate for ADC to secure a proportionate contribution towards A27 improvements required to mitigate the cumulative impact of developments in Arun.

NATURAL ENGLAND - Initially stated that they have no comments. Their further response is discussed in the next section.

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

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

WSCC HIGHWAYS - Initially requested further information including a Road Safety Audit (RSA) but following the receipt of this, they confirm they have no objection and recommend conditions are imposed to secure the access, visibility splays and a construction management plan. Comment that:

- Hook Lane is 'C' classified highway subject to a 30mph speed restriction in this location;
- No recorded injury accidents on Hook Lane in the vicinity of the site in the last 5 years;
- No evidence to suggest that the nearby road layout is operating unsafely, or that the proposed development would exacerbate an existing safety concern;
- The new access should allow for pedestrians to cross across the entrance but this can be agreed at the detailed (Reserved Matters) stage;
- Swept path tracking diagrams show that a fire tender and a refuse collection vehicle can access and turn within the site, in order to exit in a forward gear;
- The scheme proposes to tie in with existing footway on the western side of Hook Lane;
- The crossing points of Hook Lane either side of this junction have been removed as no footway is present immediately opposite the site access;
- However, consented development east of Hook Lane provides a crossing point north of the site;
- TRICs data estimates that 5 x vehicle trips in the AM and 5 in the PM peak hour would result, with 46 x two-way movements over the 12 hour day period;
- The additional trips anticipated on the local road network are not anticipated to result in a road capacity concern;
- Have some concerns with the internal site layout in respect of the chicane feature, transition from footway at the site access to shared surface and parking provision but accept that this is to be considered at reserved matters stage;
- The site has a shop, bus stops, primary school and pub/restaurant within walking distance of the site;
- Cycling, walking and public transport could reasonably make up part or all of some journeys for residents, reducing the reliance on the private car;
- Vehicular visibility splays from both the new bellmouth access and crossover to plots 1 & 2 have been

demonstrated;

- The access point for plots 1 & 2 will have lowered kerbs to allow vehicles to cross the footway; and
- Relocation of the road gulley and cover crossing the main access will need to be assessed at the Reserved Matters stage.

WSCC SURFACE WATER DRAINAGE - no objection. State that:

- Surface water mapping shows the site is at low risk from surface water flooding;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- There is an ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the site.

ADC DRAINAGE ENGINEERS - no objection in principle and recommend standard conditions. Did have a concern that the drainage proposal was for attenuated discharge into the watercourse to the west of the site but that the application site did not extend up to this point.

ADC ENVIRONMENTAL HEALTH - no objection and request conditions relating to electric vehicle charging, air quality, contaminated land, construction management, lighting and protection of new occupiers from noise.

ADC LANDSCAPE OFFICER - no objection subject to details of landscaping mitigation being provided at the Reserved Matters stage. There would be no requirement or trigger for the provision of Public Open Space or Play on site. The green boundary treatment should allow a buffer area to enhance and improve the existing and include tree species.

COUNCILS ARCHAEOLOGIST - no objection. The desk-based assessment is satisfactory and its conclusions regarding the potential for this site to contain deposits of archaeological interest are accepted. No reason however why the application should be refused and conservation of the archaeological interest can be secured by a standard planning condition. The intention of this will be to secure an evaluation of the site by trial trenching in order to ensure that anything of interest that it contains might be properly investigated and recorded prior to destruction through development.

COUNCILS ECOLOGIST - no objection subject to conditions to secure retention/enhancement of hedges, protection of retained hedges during construction, details of the lighting scheme, protection of birds nests, adherence to the proposed Great Crested Newt & reptile mitigation measures and other wildlife enhancement measures. Biodiversity enhancements recommended within the Preliminary Ecological Appraisal (July 2020) are suitable and should be incorporated into the landscaping scheme.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - It is not possible to secure a targeted contribution towards A27 improvements as the site is eligible for CIL and S.106 cannot be used for off-site mitigations. The Highways England response confirms that it is not necessary to notify the Secretary of State for Transport of ADC's decision.

NATURAL ENGLAND - Natural England did not comment on the impact of the proposal on the Singleton & Cocking Tunnels Special Area of Conservation. ADC prepared an Appropriate Assessment which was sent to Natural England for further consideration. This Assessment concluded the proposal would not have adverse effect on the integrity of the SAC. Natural England responded on 01-02-2021 to state they agree with ADC's assessment provided the permission secure mitigation measures through conditions. Conditions 4, 11, 14, 17, 24 and 28 secure these mitigation measures.

ADC DRAINAGE ENGINEERS - The applicant resolved the Engineers concern by extending the red edge up to the watercourse.

POLICY CONTEXT

Designations applicable to site:

CIL Zone 3;
 Outside the Built Up Area Boundary;
 Special Control of Adverts;
 Archaeological Notification Area;
 Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
 Lidsey Treatment Catchment Area;
 Current & Future Flood Risk Zone 1;
 Grade 2 Agricultural Land; and
 ANDP Biodiversity Corridor to the west of the site.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach

SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#)

	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	Best and most versatile resisted unless...
	Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...
	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA2	Footpath and cycle network
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 H7	No support development near noisy business
	Development in the vicinity of business
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.

Aldingbourne Neighbourhood Plan 2016 POLICY H9	Outdoor space Items to consider e.g. - bin stores
Aldingbourne Neighbourhood Plan 2016 POLICY EE2	Attention to detail Retention of employment land
Aldingbourne Neighbourhood Plan 2016 POLICY EE8	Communications infrastructure

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

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.

Policies of the Aldingbourne Neighbourhood Development Plan (ANDP) are considered in this report. Aldingbourne Parish Council are working on a new Plan which has completed its regulation 14 consultation and has now been submitted for regulation 15/16 publication of a new plan proposal.

The emerging ANDP replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). It is considered that the Plan can be attributed low weight at this time.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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

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

considerations indicate otherwise."

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

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

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

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

Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently only 3.3 years). Policies in the ANDP that relate to the supply of housing (EH1) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan the draft policies in the 2014 publication version of the then emerging ALP.

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

The Arun Local Plan (ALP):

The key policy considerations in the determination of this application are H SP1, SD SP1 and C SP1 of the Arun Local Plan.

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. Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Two other sites in the immediate area have been considered to be sustainably located. These are the David Wilson Homes site (79 dwellings) approx. 80m to the east/north east and the Metis Homes site (14 homes) immediately adjoining to the north.

The site is in walking distance of bus stops (approx. 450m), a pub (approx. 525m), a primary school (approx. 650m) and a shop (approx. 450m). Buses enable longer journeys to Bognor Regis (where there is a mainline railway station and large supermarkets) or Westergate/Eastergate (where there are two further shops and a secondary school). The site is in a sustainable location.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. This site is adjacent on two sides with BUAB, but remains within designated countryside and so the scheme would conflict with ALP policy C SP1.

The Aldingbourne Neighbourhood Development Plan (ANDP):

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

The National Planning Policy Framework (NPPF):

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

This means that planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

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

Other Material Considerations:

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

In December 2020, the Council republished its Authority Monitoring Report (AMR) for 2019/20. This states the HLS has now increased to 3.3 years. The HDT results for 2020 were published on 19 January 2021 and show that Arun achieved 61% thus triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

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

HELAA sites to re-establish the 5 year housing land supply.

The release of further land for housing will help to maintain delivery rates and this may have to include sites outside the built up area boundary. This site (ref 18AL3) is shown in the 2019 HELAA and considered to be deliverable. The HELAA states that the site is located in an area where there is a fair amount of existing residential buildings & permitted applications and as such development could tie in with the existing/approved linear development.

The site is adjacent to the BUAB on two sides. There are existing nursery buildings on a third side of the site and as such, the site does not represent open countryside. In this context, it would be difficult to justify that the development of this site would be harmful to the character and appearance of the countryside.

Conclusion on Matters of Principle:

The principle of development is contrary to local and neighbourhood policies in the development plan. The policies of the ALP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Policies in the current ANDP that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

This application should not be determined as being unacceptable in principle and the development of this countryside site can be considered acceptable subject to assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

AGRICULTURAL LAND:

The site is not currently used for agriculture and shares no boundaries with agricultural land. The land comprises managed grassland that is cut on a regular basis. The land has a septic tank underneath a 20m² concrete hardstanding area within the central area. Google satellite images dating to 2001 show the site has been left as mown grass for at least the last 19 years with parts of the eastern area used for the storage of packaging crates linked to the neighbouring nursery use.

Based upon the London and South East Region 1:250,000 Series Agricultural Land Character Map published by Natural England in 2010, the application site and surrounding area is within an area mapped as Grade 2 (Very Good Quality Agricultural Land). However, this map is for strategic purposes only and is not sufficiently accurate for the assessment of individual fields.

Approximately 0.95 hectares of land located immediately to north of the application (the Metis Homes development) was surveyed by RSK ADAS Ltd in respect of application ref AL/83/16/OUT and this confirmed that 50.52% of the site was Grade 2 land with 46.31% being non-agricultural and the rest part of a pond. As such it is considered likely that the site is similarly Grade 2 although the area of the septic tank/concrete hardstanding and underground pipes would be considered non-agricultural and remedial action would be required to return these parts of the site to agricultural use.

The applicant states the future use of the land for agriculture is unlikely because the land is in separate ownership to the adjoining nursery use to the south and is separated from the agricultural land further to the west by a reservoir which itself acts as a barrier. The site is relatively small at 0.4 hectares and is unlikely to be of a sufficient size that would support a financially viable standalone agricultural business.

ANDP Policy EH3 states that: "Proposals for development on the 'best and most versatile' agricultural

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

ALP policy SO DM1 states that: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

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

The need for this housing development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is not currently used for agriculture and there is no realistic possibility of it being so used.

Policy SO DM1 makes it clear that in order to outweigh the loss of the agricultural land, criteria (a) to (c) should be met. The applicant acknowledges these criteria but contends that as the site is not used for agriculture and as there is no realistic possibility of it so being used, the harm is minimal and is outweighed by the severe HLS shortfall. The applicant considers that the development of the application would represent an insignificant reduction of the agricultural land area of the district in overall terms.

Notwithstanding the arguments presented, the application conflicts with criteria (a) to (c) and the argument that need for the development outweighs the loss of agricultural land is not in accordance with the terms of the policy. Policy SO DM1 states that if development is to be permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the site. The applicant has not provided such a document and this will need to be secured by a planning condition.

The application conflicts with policy SO DM1 as a whole and this harm will need to be weighed against the benefits of the development in respect of the final balancing exercise at the end of the report.

ARCHAEOLOGY:

The site lies in a designated archaeological notification area. ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted with the application.

The NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant provided an Archaeological Desk Based Assessment and as such there is no conflict with

ALP policy HER DM6 or the NPPF. The Council's Archaeologist has reviewed this and advises that a condition should be imposed to secure an evaluation of the site by trial trenching.

HIGHWAYS AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. Policy T DM1 requires development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

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

The proposal has been subject to a Road Safety Audit (RSA) and this highlights two issues:

- (1) That dropped kerbs are not proposed to the vehicular crossover serving plots 1 & 2; and
- (2) That a road drainage gully and inspection chamber are present at the location of the proposed bellmouth serving the other 8 dwellings.

The applicant's "Designer Response" (DR) advises that both matters will be resolved at the detailed S278 highway agreement stage. The RSA does not identify any concerns with the safety of pedestrians or cyclists.

The advice of WSCC Highways is summarised above and it is clear that they are not concerned as to the impact of additional vehicle movements on the capacity of the local road network and that these are not anticipated to result in a road capacity concern. They are of the view that the development would not exacerbate an existing safety concern. They reviewed the RSA and DR and advise no objections to these matters which will be resolved at the detailed application stage.

In respect of policy T DM1 (and ANDP policy GA1), the proposal has been shown to be in a sustainable location and the layout will tie in with existing footway on the western side of Hook Lane.

As layout is a reserved matter and there are no firm details as to the size of the houses, it is not appropriate to assess the road layout or the parking provision at this time. Instead compliance with the Arun Parking Standards SPD will be considered at the reserved matters stage. However, it is noted that the illustrative layout shows garages and that these could be changed to car ports to increase the parking provision - this could resolve the concern as expressed by WSCC Highways.

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

CHARACTER AND DESIGN:

Policy D DM1 of the ALP requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is

necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

D DM1 also requires that applications make efficient use of land whilst providing a mix of dwelling types and maintaining character and local distinctiveness. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

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

The Arun Design Guide was adopted on the 25th January 2021 and is now a material consideration in determining planning applications. The Design Guide has limited relevance to this outline application and would be more relevant to consideration of the detailed design on a reserved matters application.

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

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

The site has dwellings to the north & east and there are horticultural buildings to the immediate south. As such, it is not considered inappropriate or out of character to have new built development on this plot of land and in this location. Provided that the future reserved matters application includes a layout and design that reflects local character & distinctiveness, then there will no harm to local character.

Matters of scale are not for determination but whilst the indicative plans do suggest two storeys, it would be possible at Reserved Matters to seek some bungalows in order to better respect the scale of some of the older dwellings along Hook Lane. It is not considered there will be a significant change to the character of this location and that any visual impacts could be mitigated by enhancing the existing planting along the road frontage.

The proposed development has a density of around 25 dwellings per hectare and this is not considered to be excessive. It is higher than the density of the Metis Homes site to the north but the density of that site is skewed by the retention of a pond in the south-eastern corner and a central area of open space. This proposal on the other hand is not required to have on-site open space.

The applicant provided a written response to the National Design Guide which is available to view on the Councils website and which the Local Planning Authority accepts.

The proposal will result in a change to the character of the locality but it is not considered that the change will be particularly harmful and, on the grounds of density and character, the proposal would not conflict

with the relevant development plan policies.

TREES:

ALP Policy ENV DM4 and ANDP policy EH6 are relevant to the determination of the application.

As layout and landscaping are reserved matters, and in approving this application, the Council would not be sanctioning damage to trees.

It is clear that there are limited trees affected by the proposals and that these are all young trees which by definition make a much lower contribution to the landscape. It is only proposed to fell one tree (Sycamore) and to remove two small parts of the eastern boundary hedge (two gaps of 5.5m and 7.5m wide) to create the two accesses. The loss of these is acceptable given the benefits of new housing development and the fact that replacement tree and hedge planting will be secured on the site. In particular, it is noted that the indicative layout indicates that 19 new trees will be provided. The LPA will ensure that new tree planting is secured at the Reserved Matters stage and that these are of suitable species and in suitable locations with room to grow.

On this basis, the development complies with the relevant policies but a more thorough analysis will be required at the reserved matters stage including to ensure that retained trees and hedges are adequately protected during construction.

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)."

There is a designated biodiversity corridor to the west of the site and although none of the application site lies in this, the red edge extends west to join with the ditch which is part of the designation. This is because it is proposed that surface water will discharge into the ditch. ANDP policy EH2 states that:

"New development within, or immediately adjacent to the Biodiversity Corridors will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors."

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 proposal will result in the development of existing managed grassland, the loss of 1 young Sycamore tree and some loss of hedge along the east boundary of the site to facilitate the access works. Although there are several instances of hedging to fronts of properties to the north & south of the site (on the western side of Hook Lane), this is not continuous as it is already broken in several places for existing accesses. The western scrub hedgerow around the reservoir (which connects with the mature hedgerow field boundaries) will not be affected.

The indicative layout shows that 19 new trees will be provided. The LPA will ensure new tree planting is secured at the Reserved Matters stage and that these are of suitable species and in suitable locations with room to grow. This will offset the loss of the Sycamore and hedgerows.

The application is accompanied by a Preliminary Ecological Appraisal Report. This states the Sycamore tree is too young to allow for roosting of bats. The Councils ecologist reviewed this document and advises no objections subject to conditions to secure various mitigation measures. In respect of biodiversity net gain, the ecologist agrees with the measures set out in the Ecological Appraisal Report and requests that these be incorporated into the landscaping scheme and secured by condition.

It is not clear how the controlled release of surface (rain) water into the ditch network will harm the biodiversity of the nature corridor as stated by the Parish but in any case, the Councils ecologist does not raise concerns in respect of the biodiversity corridor. The Councils Appropriate Assessment considered this impact and stated controls will be put in place in respect of the surface water drainage scheme to prevent pollutants discharging to the watercourse. This can be secured through the agreement of the drainage scheme at a later date. The standard drainage informative has been amended to make the applicant aware of this requirement.

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

However, the LPA has prepared an appropriate assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This determined that the proposal will not result in any significant adverse effects upon the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats. Natural England confirm they accept this recommendation. Conditions 4, 11, 14, 17, 24 and 28 secure the mitigation measures referred to in the AA.

Therefore, the scheme as it stands is judged, on balance to provide a biodiversity gain and is otherwise in accordance with the NPPF para 175, with ALP policy ENV DM5 and ANDP policy EH2.

FLOODING & SURFACE WATER DRAINAGE:

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

The site does not lie in an area at risk from current or future flooding from rivers, seas or surface water. Therefore, there is no requirement to assess the scheme against flood risk policies. There is no requirement to provide a Flood Risk Assessment (FRA) for sites in Flood Zone 1 and under one hectare in size. Notwithstanding, the applicant has supplied one to accompany their indicative surface water drainage design. This sets out that:

- Surveys conducted nearby suggest soakaways will not be successful due to the presence of clay and a high water table; and
- Therefore surface water will be attenuated in a storage tank and then discharged at a controlled rate (no greater than the existing greenfield runoff rate) into the watercourse to the west of the site.

The Councils drainage engineers raise no objections in principle and consider drainage can be addressed through conditions. It is therefore considered the proposal complies with ALP policy W DM3

and with ANDP policy EH5.

FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that a drainage impact assessment is required for all major development. ANDP policy EH5 requires new development make appropriate provision for accommodating foul water arising from the development. The applicant has supplied a Foul Drainage Impact Assessment and this sets out that

- the proposed development is likely to generate approximately 3,600 litres of wastewater per day;
- this will be discharged into the existing Southern Water Foul Sewer located in Hook Lane;
- Southern Water has confirmed that it does not object to this means of disposal; and
- The developers of the site would pay the Southern Water 'new infrastructure charge' prevailing at the time the development is implemented.

As such the proposed development accords with Local Plan Policy W DM1 and with ANDP policy EH5.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development. Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states that planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

The Council now has an adopted Design Guide which sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other;
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

It is not possible to make a detailed assessment of residential amenity as layout, scale and appearance are reserved matters. However, it is clear that the stated distances with the Design Guide are adhered to in respect of the illustrative layout.

In respect of light loss, the interface distances will prevent any shading of windows or gardens of houses on the Metis site. It should also be noted that the Metis Homes site is around 0.3m higher than the application site and this further mitigates any harm from shading.

Many of the rear gardens shown on the indicative layout are not the full 10.5m deep with plots 4-7 at only around 10m and plots 1-3 less than this. However, this is not a matter that can be assessed or objected to at outline stage and the Local Planning Authority will instead seek to ensure that these standards are met the detailed stage.

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

AIR POLLUTION:

ALP policy QE DM3 states that major development proposals must assess the likely impacts of the development on air quality and mitigate any negative impacts.

Environmental Health officer requested air quality be considered in determining the application and has specifically requested that the scheme incorporate electric vehicle charge points.

It is considered that the proposal meets the requirements of policy QE DM3 in that:

- The site is within walking distance of bus stops, a pub, a primary school and a shop. Such buses enable longer journeys to Bognor Regis (where there is a mainline railway station and large supermarkets) or Westergate/Eastergate (where there are two further shops and a secondary school);
- The proposal will tie in with the existing footpaths on the western side of Hook Lane and the detailed scheme will be required to provide cycle storage facilities;
- The developer will be required to provide electric vehicle charge points in accordance with the Councils current standards;
- The development is not predicted to have a significant impact on congestion levels (WSCC state 5 additional vehicle trips in the AM and 5 more in the PM peak hour). It is not possible to secure highway improvements through a S.106 but monies gained from CIL could be spent locally by the Parish Council or Local Authority should this be demonstrated to be necessary.

As such there is no conflict with the development plan in respect of this matter.

NOISE POLLUTION:

ALP policy QE DM1 part 1 states noise sensitive development should not normally be permitted where there is a likelihood of complaints about noise from industrial development. ANDP policy H7 states: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

Environmental Health state residential occupiers may in the future be adversely affected by noise from the adjacent Nursery (such as vehicle movements or mechanical plant). It is requested that a condition be imposed to secure measures to protect noise levels within the dwellings.

The applicant has not provided a Noise Assessment (one has not been requested by Environmental Health for consideration at this time) and it is appropriate to assess this impact through the approval of the condition. Whilst Environmental Health do consider that there is the potential for noise disturbance, horticultural nurseries are not known for being inherently noisy businesses. The noise disturbance is likely to be infrequent and will not affect the enjoyment of residential gardens. Therefore, there is no conflict with ALP policy QE DM1 or ANDP policy H7.

AFFORDABLE HOUSING:

Policy H SP2 requires that developments of over 11 residential units provide 30% affordable housing on site. The proposal is for 10 dwellings therefore this is not relevant. However, policy H4 of the ANDP requires 40% affordable housing on schemes of 10 or more dwellings. This would result in the need for 4 affordable dwellings on the site.

Notwithstanding, 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". As such the conflict between the two policies has to be resolved in favour of the Adopted

Local Plan as the newer document. On this basis, whilst the proposal conflicts with ANDP policy H4, it complies with ALP AH SP2 and it is not necessary to secure affordable housing on this site.

PUBLIC OPEN SPACE & PLAY:

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

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out that a development of this size does not need to provide any on-site Public Open Space (POS) or Play facilities and that instead contributions are required to off-site facilities. However, it not possible to secure any off-site contributions for such through a S106 Agreement as this site is liable for CIL. The Parish or District Councils will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere.

The Landscape Officer raises no in principle objections to the application. The proposal accords with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 requires development to provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers

With the introduction of CIL it is not possible to secure financial contributions for off-site projects through a S106. This development is CIL liable and will be subject to a rate of £150 per square metre to be collected upon the commencement of development.

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

THE NPPF PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental objectives should be sought jointly and simultaneously through the planning system. The following is an assessment of the benefits and costs associated with the proposal.

The site is environmentally sustainable in that it possible to walk/cycle or walk then take a bus to access nearby shops, services, schools, places of employment, railway stations & other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. The development results in the loss of a grassed field, a young tree and small sections of hedgerow but the application retains the vast majority of boundary landscaping and will propose additional trees. Ecological enhancement measures are proposed to offset the harm to existing biodiversity.

The proposal could help support the local community by providing 10 new homes and contributing to the Councils current Housing Land Supply shortfall. CIL receipts could be used in the Parish Council area to contribute towards local infrastructure needs and this would result in a further benefit to the local community.

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

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

However, there is no evidence that the proposal will create local employment (from construction) or that new residents will spend money in the local area.

Members should note that the New Homes Bonus and Community Infrastructure Levy are local finance considerations and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

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

This report finds no significant adverse impacts associated with the proposal and that there are significant benefits to take account of. Therefore the presumption in favour of sustainable development is engaged and it is considered that as per the NPPF, the proposal should be approved.

SUMMARY:

There is some conflict with policies in the development plan concerning the development of a countryside site and the loss of agricultural land (and the particular requirements of ALP policy SO DM1). However, the policies of the development plan relating to the supply of housing have reduced weight as the Council is not able to demonstrate an adequate supply of housing land.

The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply given the current shortfall and to improve housing delivery rates.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This development will be liable for CIL but this will not be calculated until the Reserved Matters application stage when the floor areas of the houses are known.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

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

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

"Site Location Plan" 0001 Rev P03; and
"Access Visibility" 5399/001 Rev B.

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

- 4 The development shall be carried out in complete accordance with the Avoidance/Precautionary Methodology as set out within sections 5.2.3 and 5.2.5 of the Preliminary Ecological Appraisal (July 2020).

Reason: To mitigate harm to Great Crested Newts and other reptiles in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because the commencement of construction work could harm any archaeology within the site area.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 7 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.

- 8 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.

- 9 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.

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

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

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

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

The Construction & Environmental Management Plan shall also reference the recommendations of the Preliminary Ecological Appraisal (July 2020) as set out at section 5.2 and which relate to the briefing of site operatives, monitoring by an ecologist, construction

lighting, working in daylight only and securing holes on the site at night.

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

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

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

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

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

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

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

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

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

13 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise

levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values

specified within Table 4 under section 7.7.2 of BS 8233:2014 shall be provided to the Local Planning Authority for its approval in writing.

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

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

- 14 No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected and enhanced. There must be a 5m buffer zone in place secured by fencing around the retained hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

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

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

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

- 16 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the finished floor levels of the buildings 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. This is required to be a pre-commencement condition because site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

- 17 No development above damp proof course (DPC) level shall take place unless and until details of the external lighting of the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors.

The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The scheme shall also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding (please refer to the recommendations of the Preliminary Ecological Appraisal (July 2020)).

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

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

- 18 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved plans.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework

- 19 No part of the development shall be first occupied until visibility splays of 2.4m by 40m have been provided at the proposed site vehicular accesses onto Hook Lane in accordance with the approved planning drawing no. 5399/001 Rev B. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework

- 20 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.

- 21 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.

- 22 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.

- 23 The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

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

- 24 The landscape scheme required by and referred to in Condition 1 shall incorporate the biodiversity enhancements as recommended within sections 5.3 and 5.4 of the Preliminary Ecological Appraisal (July 2020). The enhancements and mitigation measures as proposed shall then be implemented in full and permanently retained and thereafter maintained as fit for purpose. The landscape scheme should also propose the inclusion of street tree species which are suitable to their location and are given space to grow.

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

- 25 The layout, scale and appearance details referred to in Condition 1 shall include a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 26 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

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

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

- 28 Any deep pits, trenches or holes present on the site during construction works shall either be covered or have a secured plank within them to allow a means of escape for any animals.

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

- 29 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 30 INFORMATIVE: This application is liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 31 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 04/11/20) as available on the Councils website.
- 32 INFORMATIVE: The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.
- 33 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 34 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application. The drainage scheme should include measures to prevent pollutants discharging into the watercourse in order to minimise harm to its biodiversity value.
- 35 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works

(temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

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- 36 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 37 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 38 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 39 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.
- 40 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.