

Recommendation Report for Planning Permission

REF NO: BN/153/20/PL

LOCATION: Warwick Nursery
Barnham Road
Eastergate
Barnham
PO203RT

PROPOSAL: 44 No. dwellings & associated infrastructure. This site falls within the BEW Strategic Site, CIL Zone 1 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION 44 no. dwellings & associated infrastructure. The site falls within the BEW Strategic Site, CIL Zone (zero rated).

SITE AREA 1.72 ha.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 25.5 dph

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT The site is bounded by trees and hedgerows. Towards the southern end of the west boundary there is a mature oak subject to a TPO. There are no trees or hedgerows in the centre of the site.

SITE CHARACTERISTICS The application site falls within the BEW Strategic Development allocation towards the south east of the village of Barnham. The application site contains well established tree and hedgerow planting along its boundaries; save for the eastern boundary which abuts Little Warwick.

A PROW (no. 321) runs along the southern boundary of the site which meets fields which are currently in agricultural use. These fields are allocated as green space within the endorsed BEW Framework Masterplan.

CHARACTER OF LOCALITY The access to the site is taken directly off Barnham Road to the north of the site. The site slopes from the north where it comprises higher ground and drops towards the south.

The area of Barnham Road is characterised by a number of nurseries and associated residential properties along its southern extent. There is a stretch of linear development which fronts the highway to the north of the application site.

Barnham Road is an adopted highway, subject to a 30 mph

speed limit. Footpaths on both sides of the road provide pedestrian access to Eastergate and Barnham, with the southern side being lit.

The site is less than 1 mile west of Barnham Village which contains multiples shops, a pharmacy and train station. The site is located the east of Eastergate which contains a number of facilities required for day-to-day use which includes a doctor's surgery, shop and post office and secondary school.

Barnham Train Station provides regular services across the south coast and north to London Victoria. Bus stops on Barnham Road, within 100 yards of the application site, provide regular services to Bognor Regis, Chichester, Walberton and Arun.

RELEVANT SITE HISTORY

EG/42/18/OUT	Outline application with all matters reserved for the erection of 28 No. dwellings, access, landscaping & associated works.	Withdrawn 25-10-18
EG/49/18/OUT	Outline application with some matters reserved for the demolition of 1 No. dwelling & erection of 10 No. new dwellings, widening of existing access to provide improved visibility splays, maintaining front boundary buffer of approximately 5m in depth, car parking for 30 cars (including garages and visitor parking) & landscaping.	Withdrawn 25-10-18
EG/22/19/OUT	Outline application with some matters reserved for the erection of 28 No. dwellings, access, landscaping & associated works (re-submission following EG/42/18/OUT).	Refused 29-11-19 Appeal: Dismissed 18-12-20
BN/65/19/OUT	Outline application with some matters reserved for the demolition of existing dwelling & erection of 10 No. new dwellings, widening & reprofiling of site access, provision of a right turn lane with improved visibility splays, retention of significant landscaped highway buffer, parking for 30 No. cars including garages & visitor parking & potential future highway access to adjacent housing land (resubmission following EG/49/18/OUT).	Refused 06-12-19

BN/135/20/PL Construction of 30 no. dwellings, new access, public open space, landscaping and associated works (submission following EG/22/19/OUT). This site is a Strategic Site in SP2 (Zero Rated).

Most applications above, dated 2019 and earlier, were submitted prior to the Framework Masterplan for BEW being endorsed by Arun District Council Members.

REPRESENTATIONS

Consultation responses were received from members of the public throughout the consultation period, comprising letters of objection which detailed the following matters:

- Bungalows will be overlooked by the flats
- Neighbour amenity will be impeded
- Design out of keeping with the area
- Group of yew trees have already been felled which birds loved
- Noise and light pollution from the site from possible vehicle movements
- Impacts upon wildlife
- Development does not reflect Active and Sustainable Travel principles
- Access to Little Warwick is dangerously narrow and could be impacted throughout construction
- Vibrations will damage Little Warwick
- Land ownership issues relating to the Title
- Potential "rat run" of internal estate road
- Impacts upon Deer
- Highways Impacts/Transport Safety

COMMENTS ON REPRESENTATIONS RECEIVED:

Matters relating to Titles and land ownership are not for the Planning system to resolve. This is a separate matter which should be addressed outside of the Planning system between the respective land owners. All other matters are addressed in the subsequent sections of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

BARNHAM AND EASTERGATE PARISH COUNCIL

At a meeting of the Barnham and Eastergate Parish Council's Planning & Environment Committee held on 19 January 2021 the Committee resolved to submit a no objection response to the above application. In submitting this response they would also wish to add the following comment that they had been very grateful to the collaborative approach taken by Landacre to engage and listen to the Parish Council's concerns prior to submitting their application and that the Parish Council would wish to encourage such an approach to be taken by other developers wishing to consider development of land in the Parish.

ADC LEISURE & GREENSPACE

The layout as shown at present despite being part of a wider allocation, fails to provide the minimum quantum of POS and the play as required within our SPD. Further detail re connectivity and viability of the POS areas needs to be submitted and further in relation to Arun's Design Guide 2021 considered. A

landscape led development for this and the adjacent SD5 allocation will need to be met through the detailed submission of landscape plans which propose and confirm compliance with the Masterplan proposals our Local Plan and SPG guidelines for this location.

I would have to recommend a landscape objection to the detail as presently submitted within this application BN/153/20/PL.

ADC DRAINAGE (19 MAY 2021)

Further considerable amendments will be required to the drainage strategy to ensure compliance with policy requirements. As a result we request that neither the drainage strategy or Flood Risk Assessment are listed as approved if you are minded to approve this application.

The drainage proposals include using infiltration only. Due to the presence of high groundwater in the south of the site there are proposals to land raise. We note that areas that are proposed to be land raised extend into tree protection areas.

If minded to approve the application please impose the conditions set out in the full consultation response.

HIGHWAYS ENGLAND

No objection subject to securing the detailed strategic infrastructure mitigation package as set out in the consultation response.

WSCC HIGHWAYS (25 MAY 2021)

No objection based on the application making the detailed S106 contributions towards the BEW infrastructure requirements and the auditing of the Travel Plan Statement and conditions set out in the consultation response in full.

WSCC LEAD LOCAL FLOOD AUTHORITY

No objection subject to further survey work being undertaken and a full review being undertaken by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

SOUTHERN WATER

Initials study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together to review if the delivery of the network reinforcement aligns with the proposed occupation of the development. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

ADC HOUSING STRATEGY AND ENABLING MANAGER

No objection to the housing mix as set out in the Affordable Housing Statement. The development should comply with Policy AH SP2 of the Local Plan in terms of clustering. We would therefore like to see the affordable units located at A7 - A11 relocated to elsewhere on the site.

ADC ECOLOGY

No objection subject to conditions securing mitigation measures and detailed timings as set out in the

consultation response.

NATURAL ENGLAND

Advise further information required confirming habitat list and to inform appropriate mitigation. Planning condition or obligation should be attached to secure mitigation (buffers to protect habitat features during construction and lighting mitigation) in order to mitigate impacts on integrity of Singleton and Cocking Tunnels Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

WSCC WATER & ACCESS MANAGER

No objection subject to conditions set out in the consultation response.

ADC ENVIRONMENTAL HEALTH

No objection subject to conditions set out in the consultation response.

ADC ARCHAEOLOGY ADVISOR

No objection subject to a condition securing the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Lidsey Treatment Catchment
- Built-Up Area Boundary
- Strategic Housing Site
- Area of Special Advertisement Control
- WSCC Mineral Consultation Areas
- HRA Buffer - Singleton and Cocking Tunnels SAC (1200m)
- District Ward of Barnham
- CIL Charging Zone 1
- Bedrock Geology

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings

HERDM3	HER DM3 Conservation Areas
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
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
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

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES3	The Local Gap/Green Infrastructure Corridor
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES7	Development affecting heritage assets
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan:

Where applicable, Neighbourhood Development Plan's (more commonly known as a Neighbourhood Plan or NDP), once made by Arun District Council, will form part of the statutory Development Plan for the relevant designated neighbourhood area. The policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

The Barnham and Eastergate Neighbourhood Plan (2014-2029) was made in July 2014. Relevant NP policies have been taken into account and are addressed in the below report.

The Barnham and Eastergate Neighbourhood Plan (2019-2031) has been scrutinised formally by an appointed Examiner and is due for formal adoption throughout January 2022. The contents of the Revised Neighbourhood Plan is therefore afforded weight at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is located in a Strategic Allocation within the built-up area boundary in accordance with the Development Plan. The Council has an endorsed Framework Masterplan which the submitted development accords with. The development makes provision for the necessary infrastructure and therefore comprises comprehensive planning.

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

1. PRINCIPLE

The application site falls within the allocated SD5 (Barnham, Eastergate and Westergate) Strategic Development Site. On 28 November 2020 a Framework Masterplan was endorsed by the Development Control Committee Members; subject to the submission of a phasing and infrastructure delivery plan.

The intent behind the delivery of the BEW site was for land south of Barnham Road to come forward in the earlier phases of the delivery. This is reflected in the progress made in respect of a mini-masterplan (which was developed for the area of the site south of Barnham Road).

On the basis of this allocation, and following from the endorsement of the Framework Masterplan, the principle of residential development is considered to be acceptable.

However, both Policies H SP2 and H SP2c of the Arun Local Plan set out criteria against which development should accord with. Notwithstanding the acceptance of the principle of development, to deliver a truly Masterplanned site, conformity with this criteria should be met which is considered below.

2. LAYOUT & DESIGN

Policy H SP2 (ALP) makes clear that sites should be comprehensively planned and should have regard to a Masterplan endorsed by the Council. The Council have now endorsed the Framework Masterplan for the BEW Strategic Site which sets out the design and placemaking principles for the delivery of development.

The criteria contained within Policy H SP2c requires the design of development and landscaping to ensure that there is continuity between the existing landscape setting and villages, whilst preserving the separate identities and avoiding any further coalescence of the three villages through the delivery of green infrastructure.

Policy D SP1 (Design) requires all development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 (Aspects of Form and Design Quality) sets out a 15 point criteria against which development proposals should accord.

Policy H4 (NDP) requires new residential development to be of a high quality design and to integrate into its surroundings and be well connected to the village. Policy H6 (NDP) requires the design of new housing to give full consideration to bin stores, recycling facilities, cycle stores, meter boxes, lighting, gutters and pipes etc...

The layout of this part of the BEW development has been progressed on the basis of what has become known as the "mini-masterplan". Whilst not having received formal adoption, there is a general understanding between the developers and the Local Planning Authority that development should come forward on this basis. The proposed development accords with such expectations. These expectations are consistent with the endorsed Framework Masterplan.

The layout features a single internal road running from Barnham Road in the north, connecting to an E-W internal link to the south. Housing within this site falls to the west of the internal road. The layout of the site mirrors that which was anticipated within the "mini-masterplan" layout.

The layout retains the green and verdant buffer along the western boundary of the site which will provide much needed alleviation in a parcel of the BEW masterplan, where properties will bear a relationship with one another. The layout will connect to wider pedestrian and cycle networks within BEW which is a positive addition. These wider connections, which will promote sustainable modes of transport, attract generous weight as supported by the Council's Active Travel Study. Their provision also fully accords with the endorsed Framework Masterplan and enables a comprehensively designed layout.

The northern frontage of the development is set back from Barnham Road and retains the existing landscaping running parallel with Barnham Road. This feature and set back prevents the coalescence of settlements. The set back is also consistent with the expectations for adjacent parcels of land ensuring a harmoniously designed layout.

The southern frontage, which will look into green space and cycle links within the wider Framework Masterplanned area, is also consistent with the endorsed Framework Masterplan. The southern line of development is also wholly accordant with the expectations envisaged for adjacent parcels as they come forward.

The development will achieve a density of development which is accordant with both this mini-masterplan area and also the wider character of Barnham and Eastergate.

The dwellings comprise namely 2 storey units with some 2.5 storey units to provide punctuations in the street scenes and variety in character. Such an approach is considered entirely appropriate owing to the site context of Barnham and Eastergate.

The properties are orientated on the site to provide outward looking dwellings. This ensures the design and ambience of the character of the area is maintained. Further, dwellings will not be visible from the outlook of neighbouring properties.

The outward looking nature of the properties also ensures that the effect of back to back property relationships, and the dead spaces that this can often create, is reduced. Such an approach is considered wholly appropriate and is consistent with the layouts being supported within this Masterplan Framework.

The materials and finishing of the units appear to take reference from the best examples of properties in the nearby area, as evidenced in the submitted Design and Access Statement. Namely, the predominant materials palette will comprise red brick, flint work with quoin detailing, black timber boarding and tile hung cladding. Such an appearance will act as a subtle and sympathetic addition to the vernacular of Barnham and Eastergate. Details of these materials and finishing can be secured through the discharge of condition process.

On the basis of the above, the development would result in a comprehensively planned development and would therefore accord with Policies D SP1, D DM1, H SP2 and H SP2c of the Arun Local Plan and Policies H4 and H6 of the Barnham and Eastergate Neighbourhood Development Plan.

3. RESIDENTIAL AMENITY

Policy QE SP1 and D DM1 of the Arun Local Plan requires development to not have a significantly negative impact upon residential amenity. Further, Policy D DM1 requires development to have a minimal impact to users and occupiers of nearby property and land.

Concerns have been raised by existing neighbouring properties regarding potential impact on residential amenity. This predominantly comprises the relationship of the proposed apartment block on Nursery Cottages and also on Little Warwick. The applicant has provided a series of Site Sections indicating how

the relationship would work on site.

Turning first to the impact on Nursery Cottages, it is acknowledged that the outlook will be one which changes from a rural/agricultural ambience to that of a residential character. Notwithstanding this, the siting of the apartment block, being situated forward of the rear building lines of Nursery Cottages, combined with the oblique relationship, means that the forward apartment block would not result in impacts upon residential amenity.

It is noted that the rear private amenity space is southward facing and therefore benefits from favourable access to sunlight. In addition, it was noted at the site visit that was undertaken in late winter months, that substantive established vegetation was present along the boundary within the private ownership of Nursery Cottages. There was nothing to suggest that this existing level of screening was inadequate in terms of preventing overlooking.

Furthermore, the proposed elevations and floor plans of the apartment block ensures that no issues in terms of overlooking and privacy would result. It is noted that the western roof pitch of the apartment block has been purposefully pitched away from Nursery Cottages meaning that the highest part of the apartment block is substantially set back from the rear amenity space of Nursery Fields.

Taking these matters into account, and combined with potential sightlines being intersected, the LPA is satisfied that the proposed apartment block would not result in any impacts upon neighbouring amenity to the occupants of Nursery Cottages.

In addition, I note that the first set of terraces into the site would be partially visible, albeit heavily screened, from Nursery Cottages. However, owing to the separation distances, screening and floor plans of these units, it is not considered any adverse impacts upon neighbouring amenity will result.

Turning secondly to the impact on Little Warwick, it is acknowledged that the outlook will be one which changes from a rural/agricultural ambience to that of a residential character. Notwithstanding this, the primary outlook of the property of Little Warwick is understood to be out towards the south of the building. Whilst the first set of terraces would bear a close relationship where an expanse of roof would be visible, the pitch of this roof is at such an angle that access to sunlight would be available. In this regard, the dwelling would not have an overbearing impact upon the neighbouring amenity of the occupants of Little Warwick. It is noted that much of Little Warwick's private amenity space is situated south of the building and whilst a new internal road would run parallel to their private amenity space, the provision of a line of fencing will provide for sufficient noise attenuation. On this basis, it is not considered any adverse impacts upon neighbouring amenity will result.

On the basis of the above, the proposed layout would not result in impacts upon residential amenity and would therefore accord with Policies QE SP1 and D DM1 of the Arun Local Plan.

4. OPEN SPACE PROVISION

Policy OSR DM1(2) (ALP) requires housing to contribute towards open space provision in accordance with the guidance set out in the current Open Space Study. Policy OSR DM1 requires playing pitch provision in accordance with the guidance set out in the Playing Pitch Strategy. Policy OSR DM1 requires indoor sport and leisure facilities to be provided through financial contributions in accordance with the guidance set out in the Indoor Sport and Leisure Facilities Strategy.

Policy H5 (NDP) requires proposals for new housing development to include good quality outdoor amenity space - either in private garden or shared amenity space.

The submitted development provides for the following typologies and quantum of open space:

Frontage Open Space: 310 sqm
 Pocket Open Space: 170 sqm
 Central Open Space: 500 sqm
 Incidental Open Space: 165 sqm
 Incidental Open Space: 58 sqm
 Incidental Open Space (TPO): 420 sqm
 Southern Open Space: 2105 sqm
 Attenuation Basin: 130 sqm

Arun District Council guidance is clear in respect of what comprises open space. Having reviewed the site plan and comments received from ADC's Landscape and Greenspace Officers, Officers consider the quantum of open space is not policy compliant - owing to an assessment on the usability of this. This takes into account the increased quantum provided in the updated plans throughout May 2021. Whilst it is acknowledged the POS submitted will have a degree of visual amenity benefits associated with this, its usability is somewhat questionable. This is a point made clear in the adopted Arun Design Guide SPD.

Notwithstanding Officer's position on the usability of this space, the site is well located to open space to the south which is considered to be primary open space within the BEW Masterplanned development. Furthermore, access by foot is readily accessible owing to the layout and connections proposed. Such travel times are considered to be acceptable by foot.

Provision of open space is only one of many factors which has to be considered in the round of planning applications. In this instance, the minimal deficit of proposed public open space is substantially outweighed by the accessibility of primary open spaces within the BEW development, the ability to provide a coherent layout within the "mini-masterplan" area and using an allocated site efficiently and effectively.

On the basis of the typologies of open space detailed in the submission the development accords with Policy OSR DM1 of the Arun Local Plan and Policy H5 of the Barnham and Eastergate Neighbourhood Development Plan.

5. HOUSING MIX, AFFORDABLE HOUSING PROVISION & ACCESSIBLE AND ADAPTABLE HOMES
 Policy H DM1 (ALP) makes clear that the Council will seek a mix of dwelling types and sizes to include affordable housing units, that adhere to the latest Homes and Communities Agency design guidance. Policy H DM1 requires, for developments of 11 units or more, a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations.

Policy H3 (NDP) requires the type of housing to be provided in any residential development to reflect the location of the site. Policy H3 requires that where development is on a site within 400 metres walking distance from a village centre, at least 50% of the housing units to be provided should have one or two bedrooms. In other cases, no more than 25% of the housing units provided should have one or two bedrooms. However, the NDP is dated 2013/14 with the Local Plan dated 2018. In accordance with the guidance contained within the NPPF/G, greater weight is given to the latter Local Plan.

The GL Hearn Updated Housing Needs Evidence Arun District Council (Final Report) September 2016 (SHMA) sets out the requirement and mix of housing throughout the Local Plan period. Table 29 makes clear the policies should support the following broad mixes:

1 bedroom - 5-10%
 2 bedroom - 40-45%

3 bedroom - 25-40%
 4 bedroom - 10-15%

By way of comparison, the proposed dwelling mixes comprise the following:

1/2 bedroom flats - 15%
 2 bedroom houses - 53%
 3 bedroom houses - 30%

Whilst the SHMA is not definitive in its nature, it is clear that sites should support the majority of units coming forward as 2 and 3 bedroom units, with the remainder comprising 1 and 4 bedroom units. The spread of the proposed housing mix accords with the SHMA recommendations.

The development will provide for a policy compliant affordable housing provision with 30% of the units comprising affordable homes. The District Council's Housing and Enabling Officer has raised no objection to the tenure mix as detailed in this section.

Concern has been raised regarding the clustering of affordable units on the site. However, owing to the management and maintenance of such units by Registered Providers, they typically seek for units to be located in close proximity to one another. Further, whilst this may appear as a cluster within this specific site, these units when looking at BEW as a whole, will be spread across the entirety of the site. We therefore consider that this approach towards delivery of affordable housing to be appropriate in this specific instance.

Whilst the mix is swayed towards a more 60/40 mix, as opposed to 75/25 in the Local Plan Policy, this would only alter the mix of 1.5 affordable dwellings on site. In the context of the wider site, this is considered to be a deviation from policy which would not result in demonstrable harm; taking into account the totality of affordable housing provision across the BEW site. In addition, the wider BEW allocation is also expected to deliver an additional 1,300 homes than originally anticipated which will result in a commensurate increase in affordable housing. This can be secured through the provision of a S106 affordable housing plan as part of the requirements detailed in the agreement.

ACCESSIBLE AND ADAPTABLE HOMES

The Arun District Council Design Guide was formally adopted as an SPD 25 January 2021 and comprises a material consideration in the determination of planning applications. Section J.08 of the SPD makes clear that homes must be provide sufficient internal space to meet occupant's requirements now and in the future. Arun District Council has produced guidance on accommodation for older people and people with disabilities, to be used in conjunction with the SPD. The requirements within the SPD accord with paragraph 61 of the NPPF which requires plan-making to reflect the housing needs of different groups.

The adopted ADC Design Guide SPD makes clear that applicants are encouraged to exceed minimum standards wherever possible in order to meet occupants' changing requirements, from family homes to those downsizing or adapting their homes. The SPD makes clear that any such requirements should be informed by the Council's evidence on future needs of the growing older population with a likelihood of increased disability and health-related problems and the local context of general housing need to be met.

Features to meet these requirements may be provided by meeting optional requirements M4(2) Accessible and Adaptable Dwellings or M4(3) Wheelchair User Dwellings of the Buildings Regulations. The Checklist set out on Page 98 of the SPD requires development to demonstrate developments provide adequate numbers of new homes as 'accessible and adaptable dwellings' M4(2) compliant and as 'wheelchair user dwellings' M4(3) compliant.

The scheme provides 2 No. M4(3) compliant dwellings with associated disabled parking spaces and 18 No dwellings which meet the M4(2) standards. This accords with the Guidance.

SELF-BUILD AND CUSTOM BUILD HOMES

Policy H DM1 (ALP) requires the Council to encourage the development of self-build homes on appropriately sized, serviced sites or on appropriately sized sites that are capable of being serviced. Such sites can be provided either as part of a development scheme or on an individual basis. Policy H SP2(p) (ALP) requires development to consider inclusion of an area of the sites for Self-Build and Custom Build.

In this instance, the expectation of the layout has evolved through the mini-masterplan process. The purpose of the mini-masterplan area is to ensure that development achieves principles of place-making that does not materially impact the character of the surrounding area. The result of seeking to achieve a continual grain with a architectural style that is compatible with the immediate nearby area, reduces the compatibility with potential self-build and/or custom build homes.

The Local Planning Authority acknowledges that the southern line of units could represent an appropriate location for self-build/custom build homes. However, owing to the nature of self-build units requiring owners of plots to be responsible for the construction process which could take an indefinite period of time, and a process which would rely on construction traffic for multiple plots all using the internal access road from Barnham Road, means that provision in this southern area would not be practicable without significant, unnecessary and onerous impacts arising.

In this instance, the site comprises a small-medium sized site which the NPPF makes clear can be built out relatively quickly. Furthermore, the applicant has submitted the application in full meaning that a small-scale developer could acquire the site subsequently to this planning process and build the scheme out quickly.

In summary, therefore, the Local Planning Authority gives substantial weight to the provision of a small-scale housing development which can be delivered quickly. In the context of the harm that derives from the absence of self-build and/or custom build homes, this is outweighed by the benefits of the potential expedient housing delivery in this sustainable location.

On the basis of the above, the proposed housing mix would accord with Policy H DM1 of the Arun Local Plan and H3 of the Barnham and Eastergate Neighbourhood Development Plan. Based on the latter date of the Local Plan, greater weight is given to the policies therein.

6. HIGHWAYS/TRANSPORT, PARKING AND ACCESS

Policy H SP2 requires development proposals within the Strategic Site Allocation to be comprehensively planned and should have regard to the Masterplan endorsed by the Council. Policy H SP2c(h)(I) (ALP) sets out the transport requirements which all parcels of the BEW allocation should contribute towards.

Policy T SP1 (ALP) requires development to be incorporated into the District's green infrastructure network and give priority to pedestrian and cycle movements. Policy T SP1 requires development to be supported by an effective and deliverable Transport Assessment which demonstrates that the transport effects of the development on the local and strategic road network can be satisfactorily mitigated. It also requires development to deliver a Travel Plan which is effective and deliverable. Policy T DM1 (ALP) requires access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community.

Policy GA4 (NDP) makes clear that development proposals will be supported only if they include the

maximum level of off-street parking consistent with the current standards under the Local Plan. Policy GA2 (NDP) gives support to proposals that improve and extend the existing footpath and cycle path network, allowing greater access to new housing, village centres, green spaces and the open countryside.

The site currently benefits from a shared access onto Barnham Road which would be upgraded to serve the proposed development. Speed surveys undertaken in April 2019 identify 85th percentile speeds of 37mph. A Stage 1 Road Safety Audit (RSA) has been undertaken which identifies 3 issues; one of which comprises traffic calming. An updated RSA was undertaken to reflect the amended plans submitted in May 2021. A comprehensive scheme of traffic calming has been agreed in principle with West Sussex County Council to address these matters. This will be secured and delivered via S278 agreement.

The TRICS database has been utilised and suggests the site would generate approximately 21 AM peak two way trips and 1 PM peak two way vehicular trips. Whilst no junction modelling has been undertaken, the level of trips generated, experience of adjoining and similar developments would indicate the junction would work well within capacity. It is noted that the masterplan shows adjoining development parcels connecting into the site and would also make use of the junction.

The strategic development of BEW, which this application site comprises one parcel of, has been extensively modelled and a package of mitigation has been developed. This accounts for both strategic site wide mitigation and also mitigation towards the Strategic Highway Network. This mitigation will be secured via financial contribution and delivered in line with the development of BEW.

The proposed level of parking provision accords with the standards set out in the Arun District Council Parking Standards Supplementary Planning Document (January 2020). The Council will impose a condition requiring the provision of Electric Vehicle Charging Points within the development in accordance with Appendix 1 of the above SPD.

The applicant has submitted a Draft Travel Plan which sets out measures that could be introduced to promote sustainable modes of transport and positively adapt user behaviour. These measures detailed are acceptable in principle and will be required to be formally agreed as part of a Travel Plan condition. Such a condition will be triggered prior to occupation of the residential units given any harm will derive at the point of occupation.

Taking these above factors into account, the development would provide for the transport and access requirements serving itself and the wider Strategic Allocation requirement and therefore accords with Policies H SP2, H SP2c, T SP1 and T DM1 of the Arun Local Plan and Policies GA2 and GA4 of the Barnham and Eastergate Neighbourhood Development Plan.

7. TREES AND LANDSCAPING

Policy ENV DM4 (ALP) requires development proposals to demonstrate that trees protected by a Tree Preservation Order or contributing to local amenity, will not be damaged or destroyed.

Policy ES10 (NDP) makes clear that development that damages or results in the loss of ancient trees, trees or hedgerows of arboricultural and amenity value will not be supported.

The submitted development retains the existing protected trees on site and would, in most cases, make a feature out of them. Subject to protection measures as detailed in the suggested conditions, no impacts upon trees would result.

The submitted development seeks to achieve a number of landscaping enhancements throughout the site which are detailed within the Design and Access Statement and indicative Landscaping Plan. In

principle, such enhancements would help soften the development of this site and reiterate the verdant, vegetated, parkland character surrounding this site. For matters set out in further detail in this report, the landscaping scheme will seek to retain existing hedgerow planting along the boundaries, with replacement planting where hedgerows are either dead, diseased or in a general condition of poor health. Such an approach accords with the use of these hedgerows for foraging bats and for wider ecological/biodiversity enhancements.

Such principles associated with the proposed landscaping would play a key role in enhancing the overall ecology and biodiversity values of the site.

Full landscaping details have been submitted and are considered acceptable to provide a suitable soft landscaping scheme for the site.

On the basis of the above, the development would safeguard the trees subject to TPOs and those contributing to local amenity, in accordance with Policy ENV DM4 of the Arun Local Plan and Policy ES10 of the Barnham and Eastergate Neighbourhood Development Plan.

8. BIODIVERSITY & ECOLOGY

Policy ENV DM5 (ALP) requires development schemes, in the first instance, to achieve a net gain in biodiversity and protect existing habitats on the site.

A Preliminary Ecological Appraisal was undertaken on April 2020 to establish the baseline conditions for the site, and to ascertain any necessity for further reports. The April 2020 Report found that habitats on site include hardstanding, improved grassland, ruderal vegetation, introduced planting, trees and hedges, and compost heaps. The report noted that the vast majority of the site was horse grazed improvements. The April 2020 Report found that the site offer suitable habitat for breeding reptiles and birds and foraging great crested newt and badger; which may pose a constrain to work. It was therefore recommended that further surveys were undertaken to assess if and how reptiles and great crested newts are using the site.

Following this Preliminary Survey and Report, the applicant's commissioned a Full EDNA and Reptile Survey Report dated July 2020. This Survey and Report found that within 500m of the site only one waterbody was found. This consisted of a ditch running past the southern boundary and culminating in a small pond. An eDNA survey of the pond was found to have given a negative result for Great Crested Newts. Further, the Survey found that the development was considered to stand a negligible risk of contravening the Conservation of Habitats and Species Regulations 2017 (as amended).

The Phase 2 Reptile Surveys of the grassland and tall ruderal vegetation revealed a 'moderate' population of slow worms on the site. Appropriate mitigation measures are detailed in the survey to protect these present species and avoid contravention of the Wildlife and Countryside Act 1981 (as amended).

The Council's Ecologist has reviewed these surveys and reports and the recommendations contained therein. The Council's Ecologist sets out a number of recommendations in their consultation response. Appropriate conditions will be imposed securing the proposed and required mitigation.

APPROPRIATE ASSESSMENT: BASELINE

The application site falls within the Zone B (12km) buffer of the Singletone and Cocking Tunnels Special Area of Conservation (SAC). Development within this buffer is required to demonstrate that there is no adverse effect on the conservation features, including hibernation for barbastelle and Bechstein bats; specifically in relation to the significant impacts or severance of flightlines. Suitable commuting and foraging habitat for the site that lies within or in close proximity to any proposed development needs to be

retained, in addition to a suitable buffer to safeguard against disturbance. This will ensure no loss or severance of existing commuting and foraging routes occurs either from direct land take or disturbances from lighting, noise and vibrations during construction and operational phase of development.

The Preliminary Ecological Survey on the site concluded that the data search shows that members of the bat genera; long eared, pipistrelle, noctule, serotine and Myotis, have all been recorded from within 2km of the site in the past year. No suitable potential roosting features were seen on the site. The trees present were too small to have developed cavities. There were no buildings on the site. The site offered suitable habitat for commuting and foraging bats.

The Preliminary Ecological Survey concluded that, overall the site offered low potential for roosting bats, particularly for the boundary trees, and moderate potential for commuting and foraging bats.

APPROPRIATE ASSESSMENT: OPERATIONAL IMPACTS AND MITIGATION

On the basis of the likelihood of foraging bats frequenting boundary planting, the Survey makes a series of recommendations to enhance the site's value for foraging bats and to minimise indirect impacts from lighting associated with the new development, including:

- Level of any artificial lighting including flood lighting should be kept to a minimum, particularly around the site boundaries and near to hedgerows and tree lines;
- Use of LED lighting where possible which do not emit UV radiation to reduce impact on insect attraction, retaining them in bat foraging areas;
- Lights directed at a low angle with minimal light spillage wherever possible;
- Boundary habitats to be kept dark, preferably at bat emergence (0-1 hour after sunset) and during peak bat activity periods (e.g. 1.5 hours after sunset and 1.5 hours before sunrise); and
- Artificial lighting should not directly illuminate any potential bat commuting areas such as hedgerows and treelines. Similarly, any newly planted linear features or buffer areas around the site boundary should not be directly lit.

Subject to the above recommendations, and careful consideration of any permitted landscaping and planting scheme which places an emphasis on the retention of existing hedgerows, will ensure adequate protection is given to foraging bats and flightlines deriving from the Singleton and Cocking Tunnels SAC.

APPROPRIATE ASSESSMENT: CONSTRUCTION IMPACTS AND MITIGATION

Notwithstanding the above operational mitigation, harm to foraging bats could result from the construction phases of development. To provide adequate mitigation throughout these phases of development, the conditions and recommendations as set out in the Council's Ecology Advisor's Recommendation should be strictly adhered to, which include:

- No trees should be disturbed, removed or felled as part of the development. IF any works need to take place to any trees on site as detailed within the PEA (April 2020) further emergence surveys for bats will be required;
- The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity; and
- The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The Council has undertaken a full Appropriate Assessment in respect of the proposed development

which concurs with the above mitigation and conclusions.

Subject to the above conditions set out by the Council's Ecology Officer, the habitats required for foraging bats would not be disturbed throughout the construction phases of the development and, subject to the detailed buffers, would allow for the flight path for foraging bats. Therefore, the development would not result in harm to the Singleton and Cocking Tunnels SAC. Therefore, the development would provide for biodiversity gains in accordance with Policy ENV DM5 of the Arun Local Plan.

9. SUSTAINABILITY AND CLIMATE CHANGE

Policy ECC SP2 (ALP) requires all new residential development to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of the submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels.

Policy ECC SP2 requires for all major developments for 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated this is unviable.

Policy ES11 (NDP) requires all new housing development to have a minimum energy efficiency standard equivalent to Level 3 of the Code for Sustainable Homes. New development should also include high quality, thermally efficient building materials, double glazing (at a minimum) and cavity walls and loft insulation.

The applicant has provided a Sustainability Statement detailing how measures could achieved the required standards. The measures predominantly comprise a mixture of a fabric first approach, use of solar and heat pumps. However, a condition will be required to secure such definitive details and ensure that the as-built dwellings conform to the relevant standards and that these standards are maintained in perpetuity. Therefore, subject to conditions securing the above, the development will accord with Policy ECC SP2 of the Arun Local Plan and Policy ES11 of the Barnham and Eastergate Neighbourhood Development Plan.

10. HERITAGE & ARCHAEOLOGY

There are no statutory or locally listed buildings within the vicinity of the application site who's significance would be affected by the proposed development.

Policy HER DM6 (ALP) requires sites which propose development that 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. In such instances, Policy HER DM6 requires applicants to arrange for a desk based archaeological assessment of the proposed development site undertaken by a suitably qualified person.

Policy HER DM6 makes clear that where the Local Planning Authority has reason to believe, either from the archaeological assessment as above, or from other evidence sources that significant archaeological remains may exist, further assessment in the form of a field evaluation will be required to be carried out before the planning application is determined.

The consultation response received from the County Council's Archaeologist has made clear that because of any archaeological intervention on or in the vicinity of this site its specific archaeological potential is unknown. However, the general potential it has comes from its location on a part of the

coastal plain that has always been favourable to settlement - and from the fact that a large enough site in such an area is bound to contain something of interest.

The advice received goes on to conclude that the best way to test this would be through the excavation of a series of trial trenches ahead of development in order to identify anything of interest, followed by suitable preservation of its significance through further investigation, recording and dissemination of the results.

Subject to the imposition of a condition as set out by the Council's Archaeologist, the development would safeguard any possible archaeological remains in accordance with Policy HER DM6 of the Arun Local Plan.

11. SURFACE WATER DRAINAGE

The NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy W DM2 (ALP) requires the submission of site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall; consider flood flow routing and utilise temporary storage areas.

Policy ES1 (NDP) requires new development should aim to reduce the overall level of flood risk in the area. Development will not be supported without clear evidence provided of there being no flood risk (either to the development site or to other land) arising from the carrying out and use of the development.

The submitted Flood Risk Assessment and Preliminary Drainage Strategy comprises a 'high level' strategy. Since the original submission, infiltration testing has been completed which shows that infiltration at shallow depths is likely to be viable for parts of the site. However, some areas evidenced little to no infiltration potential and groundwater was found to be high in the south of the site.

The Council's Drainage Engineer has noted that relying on the attenuated system towards the south of the site, where infiltration is not viable, will require the increase of land levels to ensure adequate depths for the attenuation basin which takes into account the groundwater levels. However, this increase in levels is not substantive, is only apparent from the green cycle link running to the south of the site, and will also assist in screening the development from the south, preventing the coalescence of settlements.

Concern has been raised regarding the potential impact on adjacent TPOs. This will be fully taken into account in the discharge of condition process. The onus rests firmly upon the applicant to ensure the drainage strategy works in implementing their consent. Therefore, there is no reason as to why planning permission should be withheld on this basis.

On the basis of the above, and subject to the conditions set out in the recommendation, the development would not result in impacts deriving from surface water and would therefore accord with Policy W DM2 of the Arun Local Plan and Policy ES1 of the Barnham and Eastergate Neighbourhood Development Plan.

12. FOUL WATER DRAINAGE

Policy W DM1 (ALP) makes clear that development which will materially increase foul water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development.

The proposed development would connect to the existing sewer in Barnham Road. Foul water would then pump to the Waste Water Treatment Works for treating and subsequent disposal. It is acknowledged that there is existing capacity issues at the Waste Water Treatment Works and any connections to the mains sewer would be subject to capacity. Southern Water has confirmed these capacity issues within their consultation response.

Failing a connection to the mains sewer, the applicant has indicated that they would have the capacity to provide for on-site treatment of waste on site. Such an arrangement would likely be in the form of septic tank arrangement on the site. The acceptability of such an arrangement would be contingent upon consultation with the Council's Environmental Health team and consideration given to the over or underground nature of such works; and its subsequent implications on open space.

Notwithstanding this, the harm that would arise derives from usage and therefore a condition triggered at prior to the commencement of development, to provide adequate details of the proposed foul drainage, would overcome such conditions. The Council does not consider such a condition to be Grampian in nature given the possibility to resolve this matter on land within the applicant's control could be provided.

Subject to the above condition, the proposed development accords with Policy W DM1 of the Arun Local Plan.

13. INFRASTRUCTURE DELIVERY

Development is only acceptable with the provision of, or contributions to, the necessary infrastructure and facilities required to mitigate the impacts of the proposed residential development. Policy H SP2c of the Local Plan sets out the strategic and site wide infrastructure requirements for the BEW strategic allocation, which include:

- A well connected local centre, with connections to the train station at Barnham;
- New retail, commercial and community facilities;
- New Tier 7 library;
- Healthcare facilities to serve the BEW strategic allocation and Fontwell;
- Transport requirements including a new A29 route through the allocation, an east-west route north of the railway linking the existing and new A29 route, Westergate cycle link scheme, regular bus services, access to Barnham Station;
- A new two-form entry primary school, a new one-form (expandable to two-form) entry primary school and nursery places;
- Incorporate two new sports pitches and changing facilities; and
- New employment provision.

The applicant has entered into a S106 agreement with the Local Planning Authority securing the necessary mitigation measures. Full details of this are provided in the latter sections of this report.

14. MINERALS AND RESOURCES

The application site falls within a Minerals and Resource Safeguarding Area. In line with Local Planning Policy an Minerals Resource Assessment has been submitted in support of the application. The West Sussex County Council Joint Minerals Local Plan comprises the Development Plan for planning decisions and sets out the strategy for minerals supply in West Sussex until 2033. Policy M9 (Safeguarding Minerals), criterion b, sets out that proposals for non-minerals development within the Minerals Safeguarding Areas will not be permitted unless (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The reports finds, on the basis of the published geological maps, that most of the application site is covered with river terrace sand and gravel deposit, which is the safeguarded mineral resource on the site. The south eastern part of the site is covered in a head deposit, which is not a safeguarded mineral resource.

The report concludes that the quantity of sand and gravel on the application site is too small to be of any

economic value and the minerals have already been indirectly sterilised by the presence of existing residential development to the north and east of the development site.

The report, and consultation response from WSCC Minerals Team, concludes that the safeguarded mineral resource therefore has little economic value, so prior extraction is not practicable nor environmentally feasible and the proposed development is therefore compatible with criterion b(iii) of the County Council's Policy M9: Safeguarding Minerals.

15. SUMMARY

This assessment has found that the development is in accordance with the Development Plan in regard to the principle of development, layout/design, open space provision, housing mix/affordable housing, highways/transport, parking and access, trees/landscaping, biodiversity/ecology, sustainability/climate change, heritage/archaeology, residential amenity, surface/foul water drainage and infrastructure delivery.

This assessment has not found any other material considerations that would warrant the development to be considered other than in accordance with the Development Plan.

Therefore, subject to the provision of the S106 agreement to secure the infrastructure delivery required to mitigate the development's impacts and the set of conditions set out in the decision notice, planning permission can be approved.

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

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

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

SECTION 106 DETAILS

The applicant has entered into a Section 106 Agreement to secure the relevant mitigation detailed in this report. The financial contributions towards the following projects identified in the Council's Apportionment Study and Infrastructure Delivery Plan are detailed as follows:

- A29 Realignment (£230,000)
- A27/A29 Fontwell East Roundabout (£5,900)
- A27/B2233 (£3,000)
- A259 Corridor Improvement (£1,600)
- A259 Oystercatcher Junction Improvement (£6,000)
- Pedestrian Improvement Measures to B2233 (£3,900)
- Barnham to Bognor Regis Cycle Route Contribution (£3,900)
- Barnham to Bognor Regis Tangmere Cycle Route Contribution (£5,100)
- Barnham Village Centre Contribution (£5,000)
- BEW to South Downs National Park Cycle Contribution (£5,133.33)
- Additional Cycle Parking Contribution at Barnham Railway Station (£359.33)

- 3G Pitch Contribution (£6,204)
- 3G Pitch Land Contribution (£1,830)
- Playing Pitch Contribution (£50,314)
- Playing Pitch Land Contribution (£3,660)
- Sports Hub: Ancillary Facilities Contribution (£22,011.73)
- Sports Hub: Community Centre Contribution (£44,000)
- Sports Hub: Health & Fitness Contribution (£5,300)
- Sports Hub: Sports Hall Contribution (£17,422.68)
- Sports Hub: Land Cost Contribution (£508.54)
- Swimming Pool Contribution (£17,423.44)

- Fire & Rescue Contribution (£1,382)
- Police Services Contribution (£6,878.66)
- Healthcare Contribution (£50,750.96)
- Library Contribution (£1,023)
- Early Years Contribution (£63,441)
- Early Years Land Contribution (£980)
- Primary School Contribution (£306,976)
- Primary School Land Contribution (£13,340)
- Secondary School Contribution (£237,710)
- SEND Contribution (£24,558)
- SEND Land Contribution (£1,480)
- Sixth Form Contribution (£43,084)
- Public Art Contribution (£5,500)

The application site (dwelling yield of 44 units) comprises 1% of the overall BEW dwelling yield of 4,300 units as endorsed by the Framework Masterplan. Given that individual landowners are not part of the wider collaboration agreement or consortium and are seeking to come forward at different times, the above apportionment has been used to fairly and equally to distribute the strategic wide costs out. The above contributions have been deemed to be Regulation 122 compliant in respect of meeting the legal tests.

CIL DETAILS

The application site falls within the BEW Strategic Site and is therefore CIL Zone 1 (zero rated).

RECOMMENDATION

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
- PL-002 Rev A: Location Plan
PL-005 Rev G: Proposed Site Layout
PL-008 Rev C: Block Plan
PL-009 Rev B: Materials Plan
PL-010 Rev - : Site Sections
PL-011 Rev D: Public Open Space
PL-043 Rev - : Garages and Carports Plans and Elevations
PL-30 Rev - : Housetype EE
PL-31 Rev - : Housetype GG
PL-32 Rev - : Housetype JJ
PL-33 Rev - : Housetype OF
PL-34 Rev - : Housetype R
PL-35 Rev - : Housetype K
PL-36 Rev - : Housetype L
PL-37 Rev - : Housetype M
PL-38 Rev - : Housetype NN
PL-39 Rev - : Housetype OO
PL-40 Rev - : Housetype DDS
PL-41 Rev - : Housetype DDP
PL-42 Rev - : Flat Block Units
LAC-EAS-LS-001 Rev B: Proposed Landscape Strategy Sheet 1 of 2
LAC-EAS-LS-002 Rev B: Proposed Landscape Strategy Sheet 2 of 2
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D SP1 of the Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed dwellings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "Speed Reduction Scheme" and numbered 10635/302 Rev P4.
- Reason: To secure satisfactory standards of access for the proposed development in accordance with policies T SP1 and T DM1 of the Arun Local Plan.
- 5 Prior to the completion of the respective dwelling, the vehicle turning spaces shall be constructed in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety and in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 6 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the users of the development in accordance with Policy T SP1 and T DM1 of the Arun Local Plan.

- 7 No dwelling shall be first occupied until the Electric Vehicle Charging spaces serving the respective dwelling has been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. Once provided the charging shall thereafter be retained at all times thereafter for their designated purpose.

Reason: To provide EVC charging points to support the use of the electric vehicles in accordance with the national sustainable transport policies in accordance with T SP1 and T DM1 of the Arun Local Plan.

- 8 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling has been provided in accordance with plans and details approved by the Local Planning Authority under condition 2 of this permission. Once provided the cycle parking shall thereafter be retained at all times thereafter for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 9 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Once approved the waste storage shall be maintained as such at all times thereafter.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

- 10 Landscaping (hard and soft) shall be carried out in accordance with the details approved under condition 2 of this consent.

All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition to ensure the planting can be agreed with the materials palette of the buildings.

- 11 The development shall be carried out in accordance with the Arboricultural Method Statement (November 2020) including the Tree Protection Plan.

No trees/or bushes/growing/and to be retained/on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such

consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 12 No development shall commence 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 Local Planning Authority.

Reason: The site is of potential archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition to ensure no irreversible harm to any archaeological significance is incurred throughout the undertaking of this development.

- 13 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.

- 14 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.

- 15 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.

- 16 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the development/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.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order) the dwellings hereby permitted shall not have the roof altered or any hardstanding undertaken, in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: (a) To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 18 No construction/demolition activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no activities on Sunday or Bank Holidays.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specific in this condition.

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

- 19 Prior to commencement of the development hereby approved (or such other date or stage in the 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 'Site Investigation Scheme', based on the Preliminary Risk Assessment submitted under this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. Based on the 'Site Investigation Scheme' and the detailed risk assessment (1), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A 'Verification Report' providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (3) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved 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 protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This condition is required to be pre-commencement to ensure any contamination on site is appropriately remedied prior to works commencing.

20 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the 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,
- 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),
- details of public engagement both prior to and during construction works.
- noise impacts upon existing residential properties.

The noise impact assessment required above shall include noise from deliveries and operation of the development and shall include a noise mitigation scheme. The assessment shall have regard to the principles of BS 4142:2014 and achieve a difference between the measured 'rating' level and the measured 'background' level of at least BdB(A).

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

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

Prior to installation of the lighting scheme the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved.

Should these levels be unable to be met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme.

The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents and protected species in accordance with Policies QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan.

- 22 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 23 Upon the first occupation, the Applicant shall implement the measures incorporated within the approved Travel Plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 and T DM1 of the Arun Local Plan.

- 24 The development shall be undertaken in accordance with the mitigation measures set out in the Lizard Landscape Design (15 July 2020) and Phlorum (April 2020) Ecology Preliminary Ecological Appraisal Survey and Preliminary Protected Species and Bat Roost Assessment Survey and maintained in perpetuity, where required, at all times thereafter.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 25 Any works to the trees or vegetation clearance on the site shall be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time a suitably qualified ecologist shall survey the site for the presence of birds prior to any works taking place (within 24 hours of any work).

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 26 Prior to the commencement of development an annotated site plan (showing siting, scale and nature of proposed biodiversity enhancement measures) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with these approved details and the biodiversity enhancements set out in the agreed details.

Reason: To ensure the proposals would result in a 10% Net Biodiversity Gain, in accordance with the Environmental Act 2021 and policy ENV DM5 of the Arun Local Plan.

- 27 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework).

Details and a timetable of how this is to be achieved for each phase or sub phase of

development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. 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.

- 28 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 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-wider 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.

- 29 Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the development will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 30 Prior to occupation, the following dwellings hereby approved shall be constructed to the following standards:

Plots A3 & A5 - M4(3) compliant

Plots A1, A2, A4, A6, A12, A13, A16, A17, A22, A24, A25, A26, A27, A36, A39, A40, A43, A44 - M4(2) compliant

Once provided, the above identified dwellings shall be retained in accordance with the detailed M4(2) and M4(3) standards, as set out in the correspondence Building Regulations, as such at all times thereafter in perpetuity.

Reason: To promote a housing mix that accords with the demographic requirements of the District, as indicated in the Council's Strategic Housing Market Assessment and indicate within the Arun Local Plan and Arun District Council Design Guide SPD.

- 31 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.

- 32 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.
- 33 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing and contributions towards highway mitigation, leisure, sports, fire and rescue, education, police services, healthcare, pedestrian and cycle infrastructure and public art
- 34 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.
- 35 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

Temporary directional signs to housing developments (Major apps only 10 units +)

The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here: <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporarydevelopment-signs/#overview>