

Recommendation Report for Planning Permission

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| REF NO: | LU/246/24/PL |
| LOCATION: | Land at Toddington Lane Littlehampton BN17 7PN |
| PROPOSAL: | Demolition of existing structures and development of land to create 10 No. residential dwellings, landscaping, access, car parking and cycle parking. This application may affect the setting of listed buildings, is in CIL zone 2 and is CIL liable as new dwellings. |

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | <p>This application seeks permission for the demolition of a metal-clad barn and the erection of 10 affordable dwellings.</p> <p>Two blocks of four terraced dwellings and one pair of semi-detached dwellings are proposed. Parking and amenity space will be provided, with access via the existing private road serving Toddington Farm Cottages. The dwellings will be two-storey, two and three bedroom properties.</p> <p>Two sections of footpath are to be provided on the outskirts of the site along the northern and eastern boundaries. This will link the site's access with established footpaths past Hollyacre (west) and other large developments to the northeast (Persimmons to the northeast).</p> |
| SITE AREA | 0.35 hectares. |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 29 dwellings per hectare. |
| TOPOGRAPHY | Predominantly flat on developable area, steep banks to northern and eastern edges. |
| TREES | None of significance affected by the development. |
| BOUNDARY TREATMENT | To the northern and eastern boundaries the site are open, protected by a steep vegetated bank adjacent to the highway. The southern boundary sits on an access drive shared with Toddington Farm Cottages and to the west is a solid 2m high boundary treatment. |
| SITE CHARACTERISTICS | Open space with a derelict masonry/metal clad barn centrally located within the plot. The site was used as a scaffolders yard. |
| CHARACTER OF LOCALITY | Mixed use. To the immediate west of site is Hollyacre a small business park. In all other directions are residential dwellings with significant new building development to the north. There are 3 no. Grade II Listed Buildings to the immediate north and |

south east of site.

RELEVANT SITE HISTORY

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| LU/55/23/PL | Demolition of existing building and erection of 10 No. dwellings with associated landscaping and external works. This application may affect the setting of a listed building and is in CIL Zone 2 and is CIL Liable as new dwellings. | Withdrawn 30-05-23 |
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| LU/162/17/PL | Demolition of existing building, erection of 10 residential dwellings (Use Class C3) with associated open space, landscaping, parking, and access. Departure from the Development Plan. | Refused 21-11-17 |
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Appeal: Allowed+Conditions
07-01-19

LU/162/17/PL was allowed on appeal for 10 dwellings on the same site. The development in that instance consisted of a slightly different mix of dwellings, including 4 x 4-bedroom houses, 2 x 3-bedroom houses, 2 x 2-bedroom houses, and 2 x 2-bedroom flats.

The Authority had refused the application on five grounds, including:

- Inadequate access (width and limited visibility).
- Lack of safe pedestrian access to/from the site.
- Inadequate space for vehicle parking.
- Absence of an education contribution.
- Harm to the character of the area through overdevelopment of the site.

Following amendments prior to the appeal, the Inspector identified the main issues as:

- The effect of the proposal on the character and appearance of the area.
- Highway safety.
- The provision of a financial contribution towards infrastructure.

The Inspector concluded that the proposal would sit comfortably within, and respond positively to, the character and appearance of the area. The scheme secured safe and accessible pedestrian access points, with visibility splays of 23m in the trailing traffic direction and 43m in the leading traffic direction. A footpath, similar to that proposed in the current application, would ensure safe pedestrian access.

REPRESENTATIONS

Littlehampton Town Council - No objection.

- Welcomed the correspondence between the applicant and planning authority regarding ecology and biodiversity, which they hoped would lead to a more sustainable development.
- The use of natural hedging and rainwater harvesting for flushing toilets would be welcome to address the loss of habitat and mitigate rainwater run-off and foul sewer overload.

1 letter of objection.

- The egress to the development is right on a bend which is dangerous.
- There are no pedestrian footpath.
- There are now too many developments causing over crowding/ increased use of the lane causing nuisance from the additional traffic.

COMMENTS ON REPRESENTATIONS RECEIVED:

Further to discussions with WSCC Highways, pedestrian footpaths are now proposed. All matters will be discussed further in the report body below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Greenspaces (12/12/24) - Further information required.

- The detail provided in drawings is indicative only and would require further landscape drawings to detail actual quantities, planting densities and size at time of planting.
- Public Open Space is not a requirement, however developments of 9 or more dwellings are required to provide onsite provision of LAP facility and therefore suitable location and quantum of greenspace to accommodate this. No LAP is shown on plans.
- Much of the green infrastructure proposed is in private garden locations, with trees and hedges which have the potential to be removed by the residents and therefore not a guaranteed long stay of the scheme. This in turn will negatively effect Biodiversity Net Gain (BNG) calculations.
- The Design and Access Statement indicates that native tree species are to be included within the scheme, a mix of native and ornamentals would be advised because of the garden settings to these dwellings.

ADC Greenspaces (5/2/25) - Advice

- A contribution in lieu of a LAP onsite is possible and would be £1,730. It would need to be allocated for use in the community close to the development. Further advice received suggests that Brookfield Park would be a suitable area to spend the contribution, where it can be used to upgrade the play provision for the very young i.e. a LAP provision within the park.

Network Rail (NR) - Advice.

- As part of the planning consent for the development at the former Greencore site, this requires the developer uses best endeavours to close the level crossing. NR continue to emphasise that this crossing should be closed.
- The development will contribute towards increased use of the level crossing alongside the cumulative increased use from other nearby developments.

WSCC LLFA (5/11/24) - Objection.

- The Flood Risk Assessment (FRA) & Drainage Strategy are unacceptable as a result of the fact they do not accord with the NPPF, PPG Flood risk and coastal change or policies in Arun Local Plan.

WSCC LLFA (24/1/25) - No objection with conditions suggested.

WSCC Highways (8/11/24) - More Information required.

- Visibility splays to be shown at site entrance.
- Detail of walking infrastructure is required for the development in the event that proposed junction and walking works forming part of the nearby Greencore/Persimmon development immediately adjacent to the site are delayed/come on-line after this development is constructed.

- Layout amendment to include a rumble strip at the entrance to the site required.
- Layout amendment to show a footway on Toddington Lane, taken from the site access and running north/south along the western-side of Toddington Lane, connecting to the one proposed by Greencore/Persimmon.
- Parking spaces appear to be located away from allocated dwellings.
- Provision of details of parking for existing cottages south of the site, plus visitor provision.
- Details required to demonstrate that vehicles (including HGVs) can turn in the site entrance.
- The applicant is required to liaise with Persimmon Homes to demonstrate that this proposal does not conflict with their highways works.

WSCC Highways (13/1/25) - More Information required.

- Visibility splays of 2.4m by 43m shown in Transport Statement are acceptable.
- If this scheme were to progress quicker than the Persimmon Homes development there would be no continuous footpath, comment still unanswered.
- A rumble strip is provided within the sites entrance and is acceptable.
- Applicants argue the addition of a north/south footpath is unnecessary, however there will be community facilities and possibly a school on land to the east. The current layout only allows for westward movement, whereas pedestrian movements to the east are expected. Footpath will be required. This comment still stands.

WSCC Highways (17/2/25) - Advice, conditions suggested.

- The applicant is willing to provide a section of footpath along the northern boundary to connect to the existing footpath to the west, this is acceptable. This section of footpath should be secured prior to first occupation of the dwellings.
- The applicant is willing to provide a footpath running north/south to the eastern boundary of site to connect the site's access with the east/west footpath running along the northern boundary. This section of footpath should be provided simultaneously, or soon after the provisions being made under Phase 5 of the Hampton Park development (Persimmon Homes/Greencore development).

ADC Ecologist (14/10/24) - No objection with conditions suggested.

- The BNG metric calculates the onsite gain is 3.97%. This falls short of the minimum 10% gain required. The report has proposed buying offsite units as the method of making up for the shortfall of 6.03%.
- Options should be explored to see if the shortfall of onsite habitat can be achieved on site. This is consistent with the principal of considering biodiversity from the beginning of the process. The reptile translocation highlights this as the requirement to translocate the reptiles could be mitigated onsite by retaining some of the suitable habitat.
- A draft BNG gain plan is required prior to determination.
- The PEA and reptile survey are fine. The reptile survey was undertaken in 2022. The report found that reptiles (slowworm and Common Lizard) were present. A reptile mitigation strategy comprising of translocation is proposed.
- Impacts to other species is negligible but commuting and foraging bats will benefit from an ecologically sensitive lighting scheme and extended hedge planting.
- Ecological enhancements are proposed for nesting bird with four nest bricks being proposed, it is recommended another 4 universal nesting bricks are installed on the houses alongside 6 bee bricks facing south.

ADC Ecologist (28/11/24) - No objection.

- The draft BNG plan is fine and provides sufficient information regarding mandatory BNG onsite.
- There is still an onsite shortfall of BNG, offsite units will be required.

Conservation Officer - Less than substantial harm, lower end of the scale.

- The development is adjacent to two Listed Buildings and near a third.
- The lane retains a semi-rural character, partly due to the semi-green site.
- The wider historic setting of all identified heritage assets has been impacted because of a loss of the agricultural land which once surrounded them.
- Given the elevated position of site, it is highly visible as would the development be.
- Specifically, the development will impact the setting of The Farmhouse and Dovecote.
- The use of landscaping to the site's edges is a positive feature and helps mitigate the impact of the proposal, mature trees should be used to give instant impact.
- The site is only marginally visible from Toddington House, therefore will not harm the setting of the heritage asset.
- A modern development is logical and will not create a pastiche of a traditional property.
- One concern relates to the colour of the brick chosen which does not fully reflect the vernacular.
- The existing access point would be retained and enhanced. This is positive as it not only maintains the distances from the Listed Buildings, but we are informed that this is an historic track. The site plans indicate that the junction design will have a simple appearance, with no pedestrian pavements. Such a design will help to maintain the current simple arrangement, and views along Toddington Lane which is positive.
- The public benefits will need to be considered.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

3a future flood risk.

1 in 1000 surface water flooding on access and limited part of site.

HELAA site.

DEVELOPMENT PLAN POLICIES

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

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| DDM1 | D DM1 Aspects of form and design quality |
| DDM2 | D DM2 Internal space standards |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |
| ENVDM5 | ENV DM5 Development and biodiversity |
| HERSP1 | HER SP1 The Historic Environment |
| HERDM2 | HER DM2 Locally Listed Buildings or Structures of Character |
| QEDM1 | QE DM1 Noise Pollution |
| QEDM4 | QE DM4 Contaminated Land |
| QESP1 | QE SP1 Quality of the Environment |
| SDSP2 | SD SP2 Built-up Area Boundary |
| 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 |
| WSP1 | W SP1 Water |

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 3

Housing Supply

PLANNING POLICY GUIDANCE:

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|------|-------------------------------------|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

SUPPLEMENTARY POLICY GUIDANCE:

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| 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, The South Inshore & South Offshore Marine Plan 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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that in terms of layout, appearance, scale, amenity and access the proposal is acceptable. There are minor negative impacts as no on-site LAP is proposed. Landscaping details are secured by condition. Impact on heritage matters and ecology are acceptable or can be made acceptable through mitigation. The proposal secures significant gains towards the social aims outlined in the NPPF as it is for the provision of 10 affordable dwellings.

Section 70(2) of the 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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance alongside the Development Plan.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

The BNG metric calculates that the onsite gain is 3.97%. The report has proposed buying offsite units as the method of making up for the shortfall of 6.03%.

CONCLUSIONS

BACKGROUND

LU/162/17/PL, which was allowed at appeal, is a material consideration. It was originally refused on the grounds of highway safety, inadequate pedestrian access, insufficient parking provision, and harm to the character of the area.

At appeal, new plans were submitted to address the issues of visibility, access, and parking. A new footpath was included at the entrance of the access drive, extending along the northern and eastern boundaries of the site. Visibility splays of 23m and 43m were achievable. Two additional visitor parking spaces were introduced. In his decision, the Inspector concluded that, as a result of these changes, the proposal would provide a safe means of access for both vehicles and pedestrians. On-site parking was deemed suitable for the proposed development. He also found no harm to the character of the area, noting that the development would be in keeping with the general pattern of development in the locality.

As this appeal decision has now lapsed, and a new Local Plan along with multiple revisions to the NPPF have since been published, and large-scale strategic development has been permitted and built to the west, north, and northeast of the site, this decision is given limited weight in the determination of the current application.

PRINCIPLE

The site is within the Built-up Area Boundary (BUAB), Policy SD SP2 is of relevance, where development should be focused, subject to consideration against other policies in the plan. Policies 1, 2 and 3 of the Littlehampton Neighbourhood Plan. These support the sustainable supply of development within the BUAB and Fitzalan Corridor which is identified by LNP Policy 3 to accommodate new housing, noting that some of the provision will occur on windfall sites such as the application site.

The NPPF (2024) gives a presumption in favour of sustainable development and indicates substantial weight should be given to redeveloping brownfield sites and (para 125(c)) promote and supports the effective use of underutilised land (para. 125(d)).

Para. 73 acknowledges that small and medium sites can make an important contribution to meeting housing requirements, as they are built out relatively quickly.

Para. 11(c) states that proposals that accord with an up-to-date development plan should be approved without delay. Where a proposal does not accord with the Plan then they will be considered under para 11(d) of the NPPF. In such instances, the council cannot demonstrate a 5-year Housing Land Supply (HLS) and so the presumption in favour of sustainable development is engaged. This is engaged by the most up-to-date Housing Delivery Test results (as published in December 2023) which show that Arun delivered 61% of its housing requirements between 2019 and 2022. The council's latest 5-year Housing Land Supply (HLS) figure was publicised through the Authority Monitoring Report (AMR) in January 2025, this show the council falls short of its 5-year allowance at 3.41 years. The tilted balance is engaged.

Subject to compliance with other policies in the Plan, the principle of the development of the site is therefore acceptable.

Other key policy considerations are D DM1 Aspect of form and design quality, D DM2 Internal space standards, QE SP1 Quality of the environment, QE DM1 Noise pollution, QE DM4 Contaminated land, T SP1 and the Arun parking standards, HER DM1 Listed buildings, ENV DM5 Development and biodiversity, ECC SP2 Energy and climate change mitigation, W DM1 water supply and quality, W DM2 Flood Risk, W DM3 Sustainable Urban Drainage Systems.

CHARACTER AND APPEARANCE

Policy D DM1 sets out 13 design aspects against which applications should be assessed. These include Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Layout, Density, and Scale.

The site is on a sharp bend in Toddington Lane, elevated approximately 2.5m above road level and the surrounding land. Despite its elevated position relative to the northern and western areas, the site itself maintains a relatively level topography. Its prominent location renders it highly visible within the street scene. While the derelict site exhibits a verdant character, the steep bank, characterized by dense scrub, contributes to a sense of enclosure along the highway.

Referring to the Arun Design Guide (ADG) Part H requires natural surveillance of public areas; Part J (0.4) and Part P requires development to respond to the immediate setting, including scale, alignment, building patterns and location character. As this is a corner plot, with a business park adjacent to the west, there is no strong building line. Newer development further west has very shallow frontages. Toddington Farm Cottages has a side elevation set back approx. 17m from the highway. The pair of semi-detached dwellings is set back approx. 12m, such that there is no significant difference between the existing and proposed. The layout mirrors the existing development pattern in the locality with 6 dwellings having frontages facing and following the edge of the highway. Properties have been oriented to maximize solar gain, with all roofs featuring south-facing planes suitable for potential photovoltaic panel installation and gardens facing either a southerly or westly direction.

The terraces comprise a simple rectangular form with dual pitched roofs which is broadly like that allowed under appeal LU/162/17/PL. Overall, their scale is less than the scheme approved by the Inspector, and not dissimilar to other surrounding modern development.

They will be constructed using plain tiles, light multi facing brick, grey window frames and a light-coloured cladding to sections of infill panelling. Materials are to be arranged in a modern style with brick detailing around windows which will break up the flat expanse of brick and which adds interest to the design. Soft landscaping, encircling the development's outer edge, will mitigate the visual impact of hard landscaped areas and buildings on the wider area. Landscaping to the road fronting back should maintain the sense of enclosure felt by users of Toddington Lane. In these respects, and in accordance with Part D of the ADG, the proposal responds thoughtfully to the site and its setting.

The development density is 29 dwellings per hectare (dph). The Arun Design Guide (ADG) recommends a density range of 15-25 dph for terraced housing in suburban areas. Part P of the ADG stipulates that site redevelopment should aim to intensify site use without compromising the amenity of existing residents. While the proposed density exceeds the ADG's recommended level, the increase is not substantial enough to raise concerns. Access into site will spring from an existing driveway serving Toddington Farm Cottages.

The proposal makes an efficient use of a vacant site, is in keeping with neighbouring developments in terms of scale, layout and bulk, is visually attractive, and response to the site's characteristics. It complies with Policy D DM1 and parts H, J and P of the ADG in these respects.

RESIDENTIAL AMENITY

Policy QE SP1 of the ALP sets out criteria for which applications relating to new development must be assessed against. It generally seeks to minimise the impact of the proposal on the character of the area and its neighbours and enhance the quality of its environment.

The ADG sets out various criteria in respects to space about buildings. In this respect guidance states that gardens should have a minimum length of 10.5m, side to front/rear elevations should be at least 14m apart, front to front elevations should be 16m apart, and that the 25-degree rules should be applied where necessary to protect the outlook of buildings against overbearing and overshadowing effects.

The nearest neighbours, Toddington Farm Cottages, immediately south of the site, are oriented at right angles to the nearest proposed terrace of dwellings. As a result, there are no directly facing elevations. The private amenity spaces are positioned away from the respective neighbours, ensuring the proposal will not have an adverse overbearing or overshadowing effect.

The eastern block of dwellings faces Toddington Lane, resulting in a front-to-front elevational relationship of approximately 34m with properties on the eastern side of Toddington Lane (Tulley Cottages). While the proposed dwellings are situated at a higher level than Tulley Cottages and include first-floor habitable windows facing the lane, this distance, combined with significant boundary planting, is considered sufficient to prevent any adverse or unneighbourly impact.

The spatial relationships between the blocks, including the front-to-rear alignment of the western and eastern blocks and the rear-to-side alignment of the northern and western block, comply with ADG requirements and are deemed acceptable. The 25-degree rule, which ensures adequate daylight to rear dwellings, has been adhered to. A 25-degree line originating from the central point of the ground floor window sills has been used to assess this. The development provides sufficient space between buildings, minimizing any potential overbearing or overshadowing effects on surrounding properties.

The development will not adversely impact the residential amenity of neighbouring properties, nor will it cause undue overlooking, overshadowing, or overbearing effects on inter-site relationships, as required by policies D DM1 and QE SP1 of the ALP.

HERITAGE

Policy HER DM1 relates to listed buildings and state that proposals must preserve and if possible, enhance the historic character, qualities and special interest of the building and not be detrimental to the historic integrity of the building's exterior or interior and where possible enhance the setting of the building.

Chapter 16 of the NPPF (2024) paragraphs 207 and 208 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and its weight against public benefits of the proposal. A Heritage Report has been prepared in support of this application.

Four neighbouring dwellings have been identified as being Listed Buildings; The Old Farmhouse, Holly Cottage (a single building split into the two dwellings), the Dovecote at Toddington Farm and Toddington Farmhouse. The properties derive their significance from their architectural and historical interest. The proposal will affect the setting of these buildings.

The Old Farmhouse and Holly Cottage consist of a building divided into a northern and southern wing. The southern wing is identified as being C16 or early C17. It is two storeys of flints with red brick dressings, quoins and stringcourse. Crow-stepped gables with a slate roof and chimney breasts at the ends. The northern wing is thought to date to the C19 and is in similar style to the southern one.

The Dovecote is dated 1699 and is a 2-storey square building with flint elevations and a tiled roof. It is

attached to, and forms part of the property known as Old Byrne House which comprises former agricultural buildings which have been converted into residential use. The dovecote is considered to derive its significance from its architectural and historic interest.

These Listed Building's derive their significance from its architectural and historic interest. Their setting includes their own curtilage, the neighbouring listed building, along with the surrounding roads and the site.

Toddington Farmhouse is a grade II Listed Building. It is thought to date to the C16 or early C17 and is an 'L' plan timber framed house which is now faced with brick and flints. It has a clay tiled roof with later Horsham slabs at the base. There are attractive barns in the grounds which have been converted into other uses. It is considered that both the house and the barn derive significance from their architectural and historic interest.

This building is to the south of the site and separated by a terrace of modern houses and the railway line. Whilst they are experienced in their own curtilage, views towards the front of the old farmhouse and the edge of the site are 'just discernible'.

The site is at a higher level than much of the surrounding development, especially the nearby heritage assets. Although significant development has occurred in the wider area, and there has been a decline in the rural character of the area. The area nearest to the heritage assets has been protected, in part due to the green and open relief offered by the application site. The proposed development shall be largely screened from Toddington Lane by proposed planting which will landscape the northern and eastern banks, this is viewed positively. Mature planting should be used to ensure maximum effect from the outset of the development.

Another positive is the retention of the existing access drive, which we are informed by mapping data is a historic track. Although the junction into site would be re-designed (widened), it is a good distance from any of the heritage assets and appears of simplistic design in the original submission. The Conservation Officer stated an access drive without large highways engineering works appears to be included this helps not to over dominate the Listed Buildings and the setting of the area. Apart from including a rumble strip, WSCC Highways do not object to the style of junction, although it is acknowledged that a footpath is required by WSCC. The footpath is now included in the proposal, and whilst this will impact the engineering works required to this part of the site, no additional harm arises from this provision.

The modern appearance of the dwellings is positively received as completely new development does not seek to compete with the heritage assets. The choice of bricks does not appear to relate well to the locality.

The setting of Toddington House would not be impacted by the proposal, but the setting of both Toddington Farmhouse and the Dovecote would experience some harm as a result of development in their setting. The impact can be described as causing less than substantial harm. The harm is on the lower end of the scale. It is necessary to consider the public benefits that the development may achieve, the proposed development will deliver 10 affordable units, which in turn will bring about significant social and moderate economic benefits. The proposal is in accordance with the NPPF (2024).

The setting of the Listed Building nearest to the development has already been significantly eroded as a result of other localised development and the loss of agricultural land. With a good planting scheme the loss of this area of open green space can be mitigated. The proposal maintains the existing situation, the proposal is in accordance with Policy HER DM1 of the ALP.

CONTAMINATED LAND

Policy QE DM4 of the ALP relates to previous contaminate land. The use of previously developed land is promoted subject to the following evidence being provided; a Risk Assessment to identify if the land is affected by contamination through indirect pollutant linkages, whether the development will create new linkages to vulnerable resources, actions required to break the linkages whilst avoiding new ones, how risks will be dealt with to enable safe development for future occupants.

Environmental Health indicated the results of the Geotechnical report indicate that there are substances in the soil which could cause harm to human health, and that topsoil suitable for maintaining the proposed landscaping wasn't present on site. A Remediation Report was submitted. This will minimise the potential harm to future occupants. It is recommended that a full condition for remediation be attached to the permission, with parts 1-3 having been satisfied with the submitted documentation.

The proposal complies with Policy QE DM4 of the ALP.

SPACE STANDARDS

Policy D DM2 of the ALP seeks compliance with the Internally Described Space Standards. The space standards require a 4 person, 3-bed house to be a minimum of 79sqm and, a 5 person, 3-bed house to be a minimum of 93sqm. All properties meet these requirements.

The proposal accords with Policy D DM2 of the ALP.

NOISE

Policy QE DM1 states that new sensitive generating development should be supported by an appropriate noise assessment (Noise Exposure Category) detailing the existing noise environment and consider the likely level of exposure and any reasonably expected increase to that level. New development should not be permitted where noise generation is likely to continue throughout the night, and there is a likelihood of complaints about industrial development.

To the immediate west of site and sharing a boundary is a commercial site predominately believed to be in B2 and B8 uses. To the south by 30m is the railway line. The Acoustic Report indicates the site will not be unduly effected by noise pollution. No special mitigation measures are required, and the proposal accords with Policy QE DM1 of the ALP.

TRANSPORT AND PARKING

Policy T SP1 of the ALP supports development that incorporates appropriate levels of parking in line with the WSCC guidance on parking provision. Arun District Council adopted its Parking Standards SPD in January 2020.

The existing access will be utilized, with a new (or widened) access road being created and extended westwards to the southern section of the site. The driveway will serve the new development and 1-3 Toddington Farm Cottages. The Transport Statement demonstrates that turning is possible in the layout for private vehicles and larger refuse lorries. This means vehicles should be able to enter the lane in forward gear. The 4.8m wide internal access road is wide enough for two vehicles to pass, and for vehicles to share the space safely with pedestrians.

Visibility splays, as demonstrated in the Transport Statement, are the same as those in the allowed appeal and have been confirmed as acceptable by WSCC Highways.

The two and three bed dwellings should each have two parking spaces. This has been provided. Parking spaces meet the required size standards. The ADG states that all parking spaces on a driveway or within a garage should have 'active' EV charging points. For all other spaces, 30% should have 'active' EV charging points, with all spaces provided with the necessary ducting for future conversion. The correct

provision of EV charging points will be required, although the number of charging points may be superseded by Building Regulations Part S, which may require a more stringent EV charging provision.

Arun parking standards require a 20% ratio for visitor parking, which equates to two additional spaces; however, only one has been provided. The applicant has indicated that another visitor parking space would result in an overprovision of visitor spaces on site, as the 21 car parking spaces provided exceed the average car ownership rate for the local area. This is acceptable to WSCC Highways.

WSCC highways indicate they believe some of the spaces are too far away from their respective dwellings. The spaces for units 4, 5, and 6 are to the rear of the property. While there is a minor negative impact on future homeowners, this impact will not be significant. The agent has indicated that spaces will be allocated to each of the leases and marked to prevent misuse.

Several of the houses would be configured to front onto Toddington Lane, with parking provided to the rear of the properties. Due to the location of soft planting to the front of the site alongside its gradient, and the ground floor layout which would allow for free access to the rear of the properties, the parking to the rear would be fully utilised and the orientation of the properties would not encourage occupants to park on Toddington Lane.

The access road will be widened to 4.8m to allow two cars to pass and to accommodate WSCC refuse vehicles and larger delivery vehicles. Further to comments from WSCC Highways, a footpath will be provided, in a similar arrangement to the allowed appeal, extending from the access drive and around the eastern boundary of the site. This new section of footpath should be completed (or nearly completed) at the same time as the section to the north, which is to be secured. This will allow pedestrian access from the site to the existing/proposed east/west footpath, which is particularly welcome due to the proposed school to the northeast.

Cycle parking can be provided in the rear garden sheds. Two-bed houses and flats require one cycle parking space, while three-bed houses require two cycle parking spaces. The indicated sheds provide sufficient space for these requirements.

Despite not fully complying with the Arun Parking Standards and Policy T SP1 of the ALP, the parking and transport impacts are acceptable.

LANDSCAPING AND OPEN SPACE

ADC SPD Open Space, Playing Pitches, Indoor and Built Sports Facilities outlines the requirements for development to provide on-site and off-site open space, sports and play facilities contributions. For a development of this size a LAP is required.

The site is devoid of any mature shrubs or trees being overgrown largely with scrub. The scheme will introduce a range of trees and shrubs into the landscape. The proposal accords with Policy ENV DM4 in that new trees form an integral part of the new development.

A Landscape Statement and illustrative landscaping layout has been submitted. ADC Greenspaces indicate these plans show much of the landscaping to be under the demise of private dwellings, as such there would be a negative impact should the homeowners decide to remove the landscaping. As such more should be undertaken outside of curtilages. The Design and Access Statement indicates areas of native hedges, native grassland/meadows, native trees and sedum roof are included. Details such as exact species, size and amount can be secured by condition this will help to diminish concerns regarding the precise details of the landscaping.

Particular attention should be paid to the landscaping to the outskirts buffer as this area is ideal to

accommodate landscaping to soften the proposed development and maintain/enhance the rural qualities of the lane.

Developments of 9 or more dwellings are required to provide an onsite LAP. The SPD which outlines the method of calculating to the required open space areas for development stipulates that in exceptional circumstances a contribution in lieu can be made. Given much of the site is undevelopable due to the steep bank it has not been possible to locate this requirement within the development. There are 3 other accessible small open spaces within 200m walk from the site (2 to the west and 1 to the south). A contribution in lieu of £1730.30 per dwelling can be secured by S106 Agreement. An off-site contribution is not the preferred option, however, given the contribution, the negative effects against the proposal are only minimal.

Policy OP DM1(a) requires open space provision in accordance with the SPD. Open space provision in the district is identified as being sufficient in terms of quantity, but improvements could be made in terms of quality, as such contributions can be made in respect of this. Larger development should use the SPD to determine the quantum of open space for new development. By securing a contribution towards green spaces improvements, despite being the 'second best' option, this does accord with the SPD guidance.

WASTE MANAGEMENT

Policy WM DM1 requires new residential developments to facilitate kerbside collection. The developer has confirmed kerbside collection is feasible. Refuse vehicles will be able to enter, turn around, and exit the site in forward gear. Bin storage areas are provided at the front of each dwelling. The proposal complies with Policy WM DM1 of the Arun Local Plan (ALP).

ECOLOGY AND BIODIVERSITY

The site comprises a vacant metal barn and scrubland, with no trees present. The derelict structure and remnants of previous land use offer potential habitat for protected species, including bats and reptiles. A Preliminary Ecological Appraisal (PEA) and a Reptile Presence/Absence Survey Report have been submitted. The site is not within or near any protected habitats.

The PEA indicated no evidence of badgers or dormice, and only a negligible risk of bat foraging. Demolition of the barn will result in the loss of bird nests, including those of blackbirds. Mitigation measures, outlined in the PEA, include the provision of two swift bricks (placed on elevations out of direct sunlight and above 5m from ground level) and one bird box on the hornbeam on the southern elevation.

The dense scrub and rubble piles provide suitable habitat for great crested newts and reptiles. As the nearest pond was inaccessible during the initial survey, precautionary measures were recommended, including a two-phased strimming approach to site clearance. Subsequent reptile surveys (seven in total, conducted in May and June 2022) identified a 'low' population of common reptiles (slow worms and common lizards). Proposed mitigation includes secure reptile fencing and translocation to a suitable alternative habitat.

Further mitigation measures proposed in the PEA include enhanced native planting to encourage insects, birds, and bats. Bee bricks and a bee bank could be secured via condition, alongside other mitigation measures. The Council's Ecologist deemed the surveys sound but expressed concern regarding the potential to retain some suitable habitat to avoid species relocation. The Agent responded that establishing a viable habitat area would require over 25 square metres, thus impacting the development's dwelling capacity.

Policy ENV DM5 aims to achieve a biodiversity net gain and protect existing habitats. This can be achieved through biodiversity elements such as green walls, bird/bat boxes, or other mitigation measures. The Environment Act mandates a measurable 10% net gain in biodiversity.

The submitted metric indicates a 3.97% gain on-site, necessitating off-site credits to achieve the required 10%. These credits will be purchased from the Ilford Estate, with evidence secured via a Section 106 Agreement.

Appropriate mitigation to the loss on habitats can be secured via condition. The 10% BNG can be secured via S106 Agreement. The proposal accords with Policy ENV DM5.

FLOODING and DRAINAGE

Policy W SP1 of the Arun Local Plan seeks to promote water efficiency, enhance water environments, and utilise sustainable surface water design. Policy W DM2 aims to ensure safe development in flood risk areas. Policy W DM3 requires the incorporation of Sustainable Urban Drainage Systems (SUDS), which should enhance biodiversity and provide amenity.

The site is in Flood Zone 1 and is at a medium risk of groundwater flooding, requiring further investigation. Parts of the site, including the access, are at a 1 in 1000 risk of surface water flooding, used as a proxy for climate change allowance on the 1% Annual Exceedance Probability (AEP) event. Due to the surface water and potential groundwater flood risks, a Flood Risk Assessment (FRA) was required and has been provided. The FRA confirms that as the site is on the Authority's Brownfield Register and has been subject to a Strategic Flood Risk Assessment, a sequential test is not required (NPPG, para 27).

Following initial objections regarding the drainage strategy's lack of consideration for water quality, biodiversity, and amenity, alongside incorrect Climate Change Allowance and plan inconsistencies, the agent engaged with the Lead Local Flood Authority (LLFA). After discussions and amendments to plans and documents, the LLFA has withdrawn its objection, subject to conditions.

The submitted Flood Risk Assessment and Drainage Strategy address local flood risk and surface water drainage issues. Subject to condition, the details comply with the NPPF and Policies W DM2 and W DM3 of the ALP.

SUMMARY

The site is within the Built-up Area Boundary (BUAB), supporting sustainable development and addressing the council's shortfall in the 5-year Housing Land Supply (HLS). The tilted balance is engaged.

Substantially weighing in favour of the scheme. The development on balance accords with the Development Plan, or can be made acceptable via condition and legal agreement. The provision of 10 dwellings, of which all are affordable, is given substantial weight as it contributes towards our lack of a 5-Year Housing Land Supply and meets an identified housing need. Although the existing site is somewhat isolated from pedestrian access, the S106 agreement has secure new footpath infrastructure to ensure the site is both within the BUAB and sustainable in terms of location and access. The re-use of brownfield land within the BUAB is acknowledged, these matters are given substantial weight by the NPPF.

Negatively impacting the scheme. Adequate visitor parking has not been provided, given the shortfall of 1 space is insignificant this is given limited weight. The proposal includes landscaping to soften visual impacts and a contribution in lieu of on-site open space provision. This is not the optimum solution, an onsite provision would have been preferable, however the negative effects are only minimal and this has neutral weight against the proposal.

In conclusion, the weight in favour of the scheme far outweighs the minimal negative impacts and the

proposal accords with the development plan as a whole. Approval is recommended, subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

A Summary of Details of the Section 106

- Financial contribution of £1,730 (17,303 total) per dwelling in lieu of on-site LAP secured by the LPA.
- Two sections of footpath, one to the northern boundary to connect to the existing footpath to the west, and one running north/south to the eastern boundary of site to connect the site's access with the east/west footpath running along the northern boundary are secured for WSCC Highways. The trigger points for each section are to secure the footpath prior to first occupation of the dwellings and the other will be provided simultaneously, or soon after the provisions being made under Phase 5 of the Hampton Park development (Persimmon Homes/Greencore development), respectively.
- Evidence of securing off-site BNG credits is secured for the LPA.
- 100% Dwellings are affordable and will remain so in perpetuity.

CIL DETAILS

This application is not CIL liable, as the scheme is for 100% affordable dwellings.

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:

1. Location and Block Plans 001 P06
2. Plans and Elevations Plots 1 and 2 006 P06
3. Plans and Elevations Plots 3 to 6 007 P06
4. Plans and Elevations Plots 7 to 10 008 P06
5. Colour Evaluations 011 P01
6. Street Scenes 010 P01
7. Site Plan 003 P12
8. Technical Site and Demolition Plan 012 P02 (excluding layout of visitor parking)

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

- 3 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public 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 specified in this condition.

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

- 4 No dwelling 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 Site Plan 003 P12.

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

- 5 No dwelling shall be first occupied until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto Toddington Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

- 6 No dwelling shall be first occupied until the road, internal footways and car parking has been constructed and surfaced in accordance with the approved Site Plan 003 P12, and the turning space constructed in accordance with dwg Technical Site and Demolition Plan 012 P02. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

- 7 No dwelling shall be first occupied until covered and secure cycle parking spaces have been provided in the location indicated on Site Plan 003 P12. The spaces so provided shall be retained in perpetuity.

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

- 8 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the local planning authority. The detailed design must be based upon and build on the surface water information submitted - Drainage Strategy by Green Structural Engineering, 13/01/2025, Revision 1 and Flood Risk Assessment by Green Structural Engineering, October 2024, Revision 0. The full details submitted for approval shall include:

1. Detailed drainage plans conforming to Local Planning Authority guidance,
2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
3. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. No dwelling shall be occupied until the complete surface water drainage system serving that building has been implemented in accordance with the agreed details. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: In order to comply with Arun Local Plan policies W DM2 and W DM3 and the NPPF.

- 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 development is satisfactorily drained in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3. 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 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 development is satisfactorily drained and in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3.

- 11 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal by The Ecology Co-Op dated 25 March 2024 and having regards to the ADC Ecology Officer comments dated 14 October 2024, shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that

manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policy ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 12 Prior to any part of the new development being first occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Plan shall include full details of all new external lighting, including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 13 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Reptile Mitigation Strategy shall include the following:

1. Purpose and conservation objectives for the proposed works.
2. Review of site potential and constraints.
3. Detailed design(s) and/or working method(s) to achieve stated objectives.
4. Extent and location/area of proposed works on appropriate scale maps and plans.
5. Type and source of materials to be used where appropriate, e.g., native species of local provenance.
6. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
7. Persons responsible for implementing the works.
8. Details of initial aftercare and long-term maintenance of the Receptor areas.
9. Details for monitoring and remedial measures.
10. Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 14 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 Plan' 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.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling of the site (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 (4) 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 Plan, and for the reporting of this in writing to the Local Planning Authority.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with 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.

- 15 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 in writing by the Local 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 otherwise the disturbance of earth could harm important deposits.

- 16 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The proposal shall have regards to but not be strictly limited by the Landscape Statement, September 2024 prepared by studio gb and Planting Strategy TLN-SGB-00-GF-DR-L-102 P01.

The details of the soft landscaping should include quantities, species choice, position, densities and size at time of planting. To maximise immediate impact mature tree species should be utilised, especially to the outer edge landscape buffer.

The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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 Arun Local Plan policies D DM1 and OS DM1.

- 17 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 18 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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year + climate change allowance storm event on site.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design.

Designers are guided to refer to ?Sustainable drainage systems: non-statutory technical standards? and The SuDS Manual by CIRIA as these guide our decisions about the design, maintenance, and operation of sustainable drainage systems. Supplementary guidance notes and design checklists regarding surface water drainage are located at

<https://www.arun.gov.uk/drainage-planning-consultations> and <https://www.arun.gov.uk/surfacewater> on Arun District Council's website

- 19 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.
- 20 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 should 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.
- 21 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 22 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.
- 23 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

- Financial contribution of £1,730 (17,303 total) per dwelling in lieu of on-site LAP secured by the LPA.
- Two sections of footpath, one to the northern boundary to connect to the existing footpath to the west, and one running north/south to the eastern boundary of site to connect the site's access with the east/west footpath running along the northern boundary are secured for WSCC Highways.
- Evidence of securing off-site BNG credits is secured for the LPA.
- 100% Dwellings are affordable and will remain so in perpetuity.