



Public Document Pack

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Committee Manager Carrie O'Connor (Ext 37614)

12 November 2020

DEVELOPMENT CONTROL COMMITTEE

A meeting of the **Development Control Committee** will be held on **Wednesday 25 November 2020 at 2.30 p.m.** and you are requested to attend.

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.

This Council's revised Rules of Procedures for 'virtual meetings' can be viewed here [click here](#)

Members: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the application they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest
- d) if it is a prejudicial or pecuniary interest, whether they will be exercising their right to speak to the application

3. **VOTING PROCEDURES**

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. **MINUTES**

(Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 28 October 2020 (attached).

5. **ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES**

DEFERRED ITEM

6. **WA/48/19/RES - LAND TO THE EAST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL** (Pages 5 - 34)

PLANNING APPLICATIONS

7. **AL/64/20/PL - SPRINGFIELD, HOOK LANE, ALDINGBOURNE, PO20 3TE** (Pages 35 - 62)
8. **BN/50/20/PL - LAND WEST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL PO20 3RX** (Pages 63 - 106)

PLANNING APPEALS

9. **APPEALS** (Pages 107 - 110)
10. **BARNHAM EASTERGATE WESTERGATE (BEW) - SUBMISSION OF MASTERPLAN & FRAMEWORK FOR ENDORSEMENT** (Pages 111 - 128)
11. **OPTIONS FOR INTRODUCING FURTHER CONTROLS ON THE DEFINITION, NUMBER AND QUALITY OF HOUSES IN MULTIPLE OCCUPATION** (Pages 129 - 138)

OFFICER REPORT UPDATES

Will be circulated at the meeting.

BACKGROUND PAPERS

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers :

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Note : Reports are attached for all Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [Filming Policy](#)

These meetings are webcast live.

To watch recorded webcasts use the following link - Development Control [Webcast Page](#)

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Agenda Item 4

Subject to approval at the next Development Control Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

28 October 2020 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates.

[Note: Councillor Mrs Warr was absent from the meeting during consideration of the matters referred to in Minutes 264 to 267.]

Councillor Huntley was also in attendance at the meeting.

264. WITHDRAWN ITEMS

The Chairman advised the meeting that Planning Application BN/50/20/PL and Agenda Item 10, Options for Introducing Further Controls on the Definition, Number and Quality of Houses in Multiple Occupation, had been withdrawn from the agenda and would not be considered at the meeting.

265. DECLARATIONS OF INTEREST

Planning Application LU/91/19/PL – Councillor Blanchard-Cooper declared a prejudicial interest on the basis of pre-determination as a member of the Littlehampton Regeneration Subcommittee, which had considered the matter.

266. MINUTES

The Minutes of the meeting held on 30 September 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

267. LU/91/19/PL VARIOUS SITES ALONG LITTLEHAMPTON PROMENADE BN17 5LF

(Prior to consideration of this application, Councillor Blanchard-Cooper had declared a prejudicial interest and was placed in the virtual waiting room and so took no part in the debate or vote.)

LU/91/19/PL – Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary portable structures & equipment for use by businesses associated with those outlets, Various sites along Littlehampton Promenade, Littlehampton

Development Control Committee - 28.10.20

At its meeting on 26 May 2020, the Committee had considered this matter and, as a number of concerns had been raised, it had been deferred for the Littlehampton Regeneration Subcommittee to consider the proposals and indicate its preference as to a way forward. The Subcommittee had received a detailed report at its meeting on 7 October 2020 and had supported the proposals, with the proviso that restrictions be attached to the operational licenses for enforcement by the Property & Estates Department to ensure that the Riverside site only provided facilities relating to recreation and entertainment with no food or drink and that the Banjo Road site be permitted to sell food but no alcohol and to provide recreation and entertainment. The relevant minute and that report had been circulated to members of the Committee prior to this meeting to assist in its determination of the application.

The Planning Team Leader presented the application, together with the officer's written report update which set out the detail of a late representation from an objector and an additional informative relating to the Estates & Property Department restricting/managing the use of the concessions as detailed above. He then invited the Group Head of Economy to provide input from the Subcommittee's perspective. She advised that there had been a comprehensive debate on the matter at the Littlehampton Regeneration Subcommittee meeting and highlighted the units would be of a temporary nature, with the aim of bringing more flexibility and diversity to the seafront to improve the offer there and to encourage more visitors. Feedback would be very much welcomed and if something was not working there would always be the opportunity to adapt and change things.

Following comment from Members, the Group Head of Planning reminded the Committee that they had to treat the applicant, in this case Arun District Council, in the same way as it would any other applicant. The applicant was not a consideration in this application. Further, just because Arun, as the applicant, would be unlikely to appeal against the imposition of a planning condition, that would not make the imposition of said condition lawful. The same test would apply and the Committee should be acting lawfully at all times.

In the course of discussion, overall support for the proposals was indicated. However, some reservations were expressed with regard to inadequate toilet facilities in the area and the Group Head of Economy advised that that issue would be managed on a case by case basis with the provision of temporary units when necessary. It was recognised that there was a need to improve the facilities on the seafront but that would be part of a wider investment strategy for the future.

The Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

268. AL/61/20/PL NYTON REST, NYTON FARM SHOP, NYTON ROAD, ALDINGBOURNE PO20 3TU

Public Speaker: Mr E. Prenter, Agent

AL/61/20/PL – Continued use of land for agricultural workers accommodation for a temporary period of 2 years comprising 14 No. chalets, low level lighting, retention of existing hardstanding, utilisation of existing individual foul treatment plants and existing permitted access and associated works. This application falls in CIL Zone 3 (Zero Rated) as ‘other development’. Nyton Rest, Nyton Farm Shop, Nyton Road, Aldingbourne

The Principal Planner presented the detail of the application, together with the officer’s written report update detailing:-

- County Highways consultation response of no objection and no requirement for conditions
- Information regarding parking within the site
- No requirement to consult with Chichester District Council
- The applicant’s agent had indicated that they would seek to discharge the outstanding landscaping condition as soon as possible and in close liaison with the Council’s Landscape Officers

The Principal Planner particularly highlighted that there was a slight conflict with the Arun Local Plan Policy H SP5 in that there would be a minor reduction in approved accommodation for travelling showpeople but, as the proposal was temporary for two years, it was not considered to be significant. It was also recognised that there was a pressing need for accommodation for agricultural workers at the present time.

Following responses from the Principal Planner relating to issues raised by Members in respect of the loss of a pitch for travelling showpeople and where workers would be bussed to, the Committee

RESOLVED

That the application be approved as detailed in the report.

269. BN/50/20/PL LAND WEST OF FONTWELL AVENUE, FONTWELL AVENUE, EASTERGATE PO20 3RX

BN/50/20/PL – Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan, Land west of Fontwell Avenue, Fontwell Avenue, Eastergate

This application had been withdrawn from the agenda and was not considered.

Development Control Committee - 28.10.20

270. LIST OF APPEALS

The Committee received a verbal update on 4 appeals from the Group Head of Planning and then noted the remainder of the report.

271. OPTIONS FOR INTRODUCING FURTHER CONTROLS ON THE DEFINITION, NUMBER AND QUALITY OF HOUSES IN MULTIPLE OCCUPATION

This matter had been withdrawn from the agenda and was not considered.

272. THANKS

The Chairman advised that the Committee Manager, Carrie O'Connor, was in attendance for her very last Committee meeting as she was retiring on 20 November 2020 after 34 years at the Council and 22 years servicing the Development Control Committee. On behalf of the Committee, he thanked her for her service and wished her well for the future and for a happy retirement.

(The meeting concluded at 3.20 pm)

REPORT UPDATE

Application No: WA/48/19/RES

Reason for the Update / Changes

This application was presented at the Development Control Committee meeting on Wednesday 24 June 2020, where it was resolved to DEFER a decision to enable more work to be undertaken by the applicant on the design of the scheme.

The proposal considered by the Committee in June was unacceptable in terms of:

- The appearance of the buildings, private outdoor amenity space and the landscaping of the site;
- Provision for the parking of cars, charging of electric vehicles and the parking and storage of cycles;
- Its ability to accommodate the movement of a 12m long refuse vehicle; and
- Information regarding the use of energy.

Following discussions with officers, the applicants submitted a large number of revised plans, drawings and documents. The application was subject to a further period of consultation and publicity, which ended on 8th October 2020.

Further representations:

- (i) Walberton Parish Council has suggested that flints from a wall to be demolished be used in a gateway with a plaque stating that they came from "The Old Smithy" in Fontwell;
- (ii) A letter of support has been received, in which reference is made to economic and social benefits for the community;
- (iii) A previous objector has raised concern over the risk of pollution of the aquifer and the risk of flooding at Wandleys Lane; and
- (iv) A letter has been received expressing concern about the loss of an "ancient hedgerow".

Comments on the further representations:

Surface water drainage details will be the subject of a separate application for the approval of matters reserved by conditions 12 and 14 of the outline planning permission (WA/22/15/OUT).

The loss of sections of the hedgerow was addressed in the previous officer report.

Summary of updated consultation responses:

- Highways England - Satisfied that the reserved matters in this application would not materially affect the safety, reliability and/or operation of the strategic road network.

- Local Highway Authority - A plan should be provided to show the tracking of an HGV to the delivery bay of the retail unit and the cycle parking should be relocated towards the store frontage. The additional information showing visibility for pedestrians and cyclists at Wandleys Lane is acceptable but further details should be provided to restrict potential misuse of the access by motorcycles. The proposed cycle network should be considered in the context of LTN 1/20 (Department for Transport, Local Transport Note 1/20 - Cycle Infrastructure Design, published 27 July 2020). A fire tender would overrun soft landscaping in the vicinity of plots 290-301 and should be addressed.

- Environment Agency (EA) - Reviewed the Drainage Strategy and SUDS Statement (June 2020). Noted that the development is sited in a very sensitive groundwater location, with part within a source protection zone 1 and the remaining area in a source protection zone 2. Support the use of the CIRIA SuDS Manual and the Simple Index approach to calculate the pollution prevention measures required and the need for a Maintenance Plan in any application to discharge the condition (i.e. conditions 12 and 14 of WA/22/15/OUT). The applicant needs to demonstrate why a deep system is the only feasible option and to justify why a shallower system could not be installed. The EA will only agree to the use of a deep infiltration system if specific criteria are met.
- Southern Water - No discharge into the public system until offsite drainage works to provide sufficient capacity are complete. Southern Water is currently in the process of designing and planning delivery of network reinforcements.
- Sussex Police - No further comments from a crime prevention perspective.
- West Sussex Fire and Rescue Service - Recommend the imposition of conditions to secure the provision of fire hydrants.
- ADC Drainage Engineers - No objection. Now demonstrated that there is adequate space for surface water drainage.
- DC Environmental Health - EH has no further comments to make on the amendments.
- ADC Greenspace - Clarification sought on the type of outdoor gym equipment and siting in relation to paths. ADC would not support self-binding gravel as a choice of material for pathways through the public open space, if it were responsible for maintenance and management, with tarmac preferred instead. ADC would also not support the use of 'Play Bark', if it were responsible for maintenance and management of the play areas, preferring a suitable non loose-fill material instead. Clarification sought on equipment for the LEAP. Unable to support the siting of balance logs and glacial play boulders at the edge of the attenuation pond for safety reasons. Details requested for the orchard trees.

Comments on updated consultation responses:

Local Highway Authority - A plan to show the tracking of an HGV to the delivery bay of the retail unit is expected to be submitted. From the swept path analysis for a fire tender already provided, this is unlikely to give rise to difficulty. The orientation of the retail unit has changed, to dissuade customers parking on the street, and the cycle stands have been relocated so that they remain convenient near the store entrance. With regard to the Wandleys Lane access, paragraph 8.3.1 of LTN 1/20 states: "Access controls can reduce the usability of a route by all cyclists, and may exclude some disabled people and others riding nonstandard cycles. There should therefore be a general presumption against the use of access controls unless there is a persistent and significant problem of antisocial moped or motorcycle access that cannot be controlled through periodic policing." The landscape masterplan has been checked and a fire tender would not overrun soft landscaping in the vicinity of plots 290-301. It would remain on a proposed hard surfaced area instead.

Environment Agency - The submitted drainage strategy does not propose a deep infiltration system. It states: "All new access roads, parking bays and access drives will be permeable paving with full infiltration. Run-off from the new plots will be directed to trench soakaways. In the parts of the site where the infiltration rates were poorer, the runoff from the new buildings will be directed to the new infiltration basin located in the south western corner of the site" (p.8). All of these SuDS features are shallow means of infiltration. Full details of the drainage system, including construction details for the permeable

paving, soakaways and infiltration basin will be the subject of a separate application for the approval of matters reserved by conditions 12 and 14 of the outline planning permission (WA/22/15/OUT).

Southern Water - Foul water drainage details will be the subject of a separate application for the approval of matters reserved by condition 15 of the outline planning permission (WA/22/15/OUT).

West Sussex Fire and Rescue Service - It is understood that the design of the mains water infrastructure will be completed by Portsmouth Water, who consult directly with the fire and rescue service to ensure that requirements for fire hydrants are met.

ADC Greenspace - The outdoor gym equipment is listed on the Northern Masterplan and is shown in wider areas of hard surfacing, keeping pathways clear for pedestrians and cyclists. ADC will not be responsible for the maintenance and management of the pathways or the play areas. As stated in the previous officer report, the principal area of public open space is to be transferred to Walberton Parish Council and the remainder will be the responsibility of a management company. The equipment for the LEAP is listed on the Playground Plan and the planting for the orchard is listed on the Northern Masterplan. The applicant has agreed to submit a revised Southern Masterplan with the balance logs and glacial play boulders at the edge of the attenuation pond removed.

Officer Comments:

The principal changes to the scheme that was considered by the Development Control Committee in June are summarised below. The market housing mix has been amended to include some 1-bedroom units, which will provide a more balanced mix.

Layout

The layout has been revised with the removal of flats over garages in parking courts, behind the houses and apartment blocks, which had little or no outdoor amenity space. The depth of gardens has also been reviewed in the context of the Arun Design Guide SPD to ensure that the minimum separation distances between habitable rooms is achieved in the interest of privacy.

The proposed cycle paths follow clear and legible routes through the site, are now a consistent (3m) width and will be constructed with appropriate materials and signage. The West Sussex Cycling Design Guide August 2019 states that surfaces should be appropriate to the environment; "in urban areas paths should usually be sealed with 'black top'" while "in rural areas other surfaces may be more appropriate, such as compacted stone, or grit rolled into a stone surface".

The parking provision has been reviewed in the context of the Council's Parking Standards SPD and the overall provision has been increased from 913 to 925 spaces. An additional space will be provided for the retail unit, taking its provision to 11 spaces. The applicants have stated that the scheme has been checked to futureproof for EV charging, including allocation of a further sub-station if required, and will submit full details in pursuance of a pre-occupation planning condition.

Cycle parking facilities have been added adjacent to the community building and at the multi-use games area and play area. Cycle storage for the proposed houses has been clarified on the parking layout.

A full tracking assessment of the layout has been undertaken and satisfactory plans have been provided to show the movement of a 12m long refuse collection vehicle and a fire tender.

Appearance

The latest proposal has been prepared in the context of a revised Design Code Masterplan (currently the subject of application WA/51/20/DOC), which has redefined the proposed character areas as follows:

1. Gateway Arrival - "A welcoming gateway defined by a prominent local shop, a grander scale of buildings framing a landscaped boulevard, mature trees, green space and improved pedestrian connections."
2. The Avenue - "Larger detached units respond to the mature trees along Fontwell Avenue and adopt the architectural styles from existing properties to the south."
3. The Slopes - "Streets that step down the slopes towards Fontwell Avenue, opening up views of focal trees and Fontwell Racecourse."
4. Arundel Road - "New dwellings that tie in with the existing suburban character of Arundel Road. Integrates existing community with the new."
5. The Greens - "A village character centrally located on the plateau of land framed by hedges and trees. Dwellings generally front onto common green spaces, with green routes incorporated into the existing landscape".
6. Rural Edge - "Enclosed 'rural courtyards' which respond through scale and form to the existing farm house and barns on Wandley's Lane."

Each character area now adopts a more distinctive design approach, in both the buildings and the landscaping. Some alternative house types have been introduced, but each one to no more than a single character area to ensure that they are exclusive. All house types incorporate different materials, door styles, window styles, roof types and architectural details that are specific to the character area in which they are situated.

In the Gateway character area, the apartment buildings now feature more traditional style windows and doors and projecting gables with king trusses and decorative barge boards. There are stepped floor levels as the buildings rise up the slope which, combined with the projecting gables, add variation and help to reduce the mass. A more traditional design has also been adopted for the retail building, but with a small tower feature that provides a focal point on one corner.

In The Avenue, detached house types exclusive to this character area have been included, featuring wider frontages or full height splayed bays and buff brick with red quoins. The proposed dwellings around the pond have been reduced in height, cottage style doors have been included and side lights have been removed to provide symmetry.

In The Greens character area, the house types are different to those in The Avenue and feature different materials, including pale boarding and painted brickwork. Links between buildings are generally full height, not reduced height with dormers as used elsewhere.

The Rural Edge has been extended to include all plots that relate to Wandleys Lane. The style of buildings reflects a relatively consistent barn typology, while the layout creates a series of lanes between shared courtyard spaces. Juliette balconies have been replaced with vertical windows, barn hoist features have been added and full height glazed panels have been introduced to reflect traditional barn sized openings. There are now house types exclusive to this area, with detailing and materials (e.g. dark boarding) not seen within the other character areas.

The apartments and house types in the Arundel Road character area also use more exclusive character references to guide the roof form, windows, doors, porches and detailing.

The existing 'bottle store' has been separated from the proposed community building, using a simple flat

roof link between the two parts. The design of the community building now reflects a more traditional approach, taking architectural references from the rest of the Arundel Road character area. The internal layout has also been amended to suit the requirements of the Parish Council.

Landscaping

The landscaping scheme now includes planting on the boundary with the employment site to the north-west. When combined with the proposed planting on the adjoining site, there will be a planted buffer of at least 6m between the residential and employment uses.

Other Matters

A surface water drainage strategy has been prepared and submitted to demonstrate that the proposed development is capable of being satisfactorily drained.

A detailed Energy Strategy Statement has been submitted with the revised plans, to satisfy the requirements of condition 22 of the outline planning permission (WA/22/15/OUT). The strategy calculates the total CO2 arising from the dwellings and demonstrates that a 10% reduction in energy demand will be achieved through improved fabric efficiency measures.

Conclusion:

The applicants have made numerous changes to the scheme that was considered by the Development Control Committee in June, leading to significant improvements in the design. There are some further refinements, which have been discussed and agreed between the applicants and officers, with a final set of revised plans expected to be submitted in advance of the Committee meeting on 25 November 2020. The reasons for refusal set out in the earlier officer report have essentially been addressed and, subject to the receipt of those final plans, the application can be recommended for approval with conditions.

Background Documents: Development Control Committee report 24 June 2020.

RECOMMENDATION

The recommendation is that the application be approved subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans, drawings and documents:

(Full list to be added, potentially in a further update.)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan 2011-2031.

2. Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings, which meets the minimum requirements for the year 2023 set out in Table 2.2 of the Arun Parking Standards SPD, shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the approved details and the charging points shall be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against

any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan 2011-2031, the Arun Parking Standards SPD and the National Planning Policy Framework.

3. Notwithstanding the provisions of Class A within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extension shall be erected beyond the rear wall of the dwellinghouses hereby permitted unless planning permission is first granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun Local Plan 2011-2031.

4. Block A hereby permitted shall not be used within Use Class A3 unless and until, details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed by a competent engineer before such use commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011-2031.

5. The drainage serving the kitchen(s) at any proposed commercial hot food business shall be fitted with a grease trap / separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap / separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004 and BS EN 1825-2:2002 (Current Status: 'Under Review') or other effective means of grease removal.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

6. Block A hereby permitted shall not be used within Use Class A3 unless and until details of suitable provision of sanitary accommodation (in line with the guidelines set out within the Arun District Council document entitled: 'Provision of sanitary accommodation in food businesses') has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining adequate amenity to local residents and visitors to the area.

7. No delivery activities shall take place at Block A, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday).

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011-2031.

8. Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before

installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011-2031.

9. No external lighting shall be installed unless and until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational, to ensure no light creep / bleed, and maintained and operated thereafter in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the appearance of the area, the environment and wildlife, and local residents from the effects of light pollution in accordance with Policy QE DM2 of the Adopted Arun Local Plan 2011-2031.

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

PLANNING APPLICATION REPORT

REF NO: WA/48/19/RES

LOCATION: Land to the East of Fontwell Avenue
Fontwell Avenue
Fontwell

PROPOSAL: Approval for Reserved Matters following outline permission WA/22/15/OUT comprising 400 new homes (incl. affordable), 360sqm of retail space (A1 to A3), 152sqm of community space (D1 to D2 & including retention & refurbishment of 12sqm 'old smithy'), demolition of remaining buildings to Arundel Road along with public open space, LEAP, MUGA, allotments, car & cycle parking, drainage & associated works - This site also lies within the parish of Barnham & Eastergate.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks approval of reserved matters following the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017 for "up to 400 new dwellings, up to 500 sq. m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000 sq. m of light industrial floorspace (B1 (b)/(c) and associated works including access, an internal road network, highway works, landscaping, selected tree removal informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage" on land east of Fontwell Avenue, Fontwell.
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Approval is sought for the appearance, landscaping, layout and scale of the residential, retail, community and public open space elements of the development.

The application does not include the light industrial (Class B1(b)/(c)) element. This is currently the subject of a separate application (BN/57/19/RES).

SITE AREA	16.18 hectares
RESIDENTIAL DEVELOPMENT DENSITY	24.7 dph (gross density)
TOPOGRAPHY	There is a north to south ridge in the centre of the site with land sloping downward on each side.
TREES	The site contains many mature specimens of trees, including Corsican pine, English oak, common lime, sycamore, beech, horse chestnut, hybrid black poplar and Scots pine. There are several individual and group Tree Preservation Orders (TPOs) in place on the site. Many of the trees are proposed to be retained and incorporated into the development. Some would be lost to facilitate safe vehicular access to the site from Fontwell Avenue, as approved at the outline stage.
CHARACTER OF LOCALITY	The site is bounded to the north by residential properties located within Fontwell village and accessed off Arundel Road. To the west lies Fontwell Park racecourse, Denmans garden and some light industrial/warehouse units. To the east are larger residential properties within spacious grounds off Wandleys Lane and to the south further residential properties and Claremont Lodge care home. The South Downs National Park (SDNP) is located to the north, beyond Fontwell Village, on the other side of the A27. The Sussex coast lies approximately 7.24km (4.5 miles) to the south.

RELEVANT SITE HISTORY

WA/22/15/OUT	Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.	Called In by DCLG/SD 20-01-16
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Appeal: Allowed+Conditions
13-07-17

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

Walberton Parish Council

Barnham & Eastergate Parish Council

WALBERTON PARISH COUNCIL: No objection to this application.

BARNHAM & EASTERGATE PARISH COUNCIL: Objection.

- (i) supports the matters raised by the Environment Agency in relation to groundwater;
- (ii) supports Arun District Council in respect of surface water drainage;
- (iv) major concerns over parking in relation to the community hub, disabled parking, no electrical points; and
- (v) major concerns in respect of the hedgerow that has been cut down that represents the Parish boundary.

The Parish Council added:

- (i) The ancient hedgerow that forms part of the Parish boundary must be retained in its current position.
- (ii) Existing hedges must not be removed but incorporated into the layout (Neighbourhood Plan Policy ES10);
- (iii) Lack of suitable transport connections (Neighbourhood Plan Policy GA1);
- (iv) Cycle access to Fontwell Avenue and the South Downs National Park is inadequate
- (v) The lighting proposals seem excessive (Neighbourhood Plan Policy H6); and
- (vi) 'Anonymous design' (e.g. Block H, G and J) should be avoided and better proposals brought forward particularly in respect of roof lines and the three-storey blocks (Neighbourhood Plan Policy H4).

OTHERS

18 representations have been received from 12 individuals; 1 supporting and 11 objecting. The following issues have been raised:

In Support:

- More new build housing needed in the local area to allow first time buyers to take advantage of the Government's Help to Buy scheme. Developing this area would also help to support the local villages as they would benefit from the new infrastructure as a result.

In Objection:

- Too dense and cramped.
- "Condensed urbanised housing".
- "The design of these dwellings is hideously ugly... All dwellings to be 2 storey (not 3 which is so intrusive) and a much more aesthetically pleasing design is needed to fit better with the locality."
- Three-storey town houses are not fitting for a village environment.
- Air pollution from traffic on the nearby strategic road network.
- Potential contamination of the water supply.
- Would exacerbate artificial light pollution.
- The recently installed cycle path to part of the South Downs is used only occasionally.
- The cycle path runs straight into the A29 and does not connect with other cycle routes.

- Cycle storage at the back of the garden is not acceptable.
- Parking provision should be at a level of at least 3 cars per house to discourage on road parking.
- Insufficient parking provision for the proposed retail unit.
- Solar panels and electric vehicle charging points are required.
- Recycling should be encouraged with communal collection areas.
- A Multi-Use Games Area (MUGA) and sports facilities are not wanted by the community.
- Impact on wildlife.
- Removal of hedgerows is contrary to local plan policy (ENV SP1).
- The site provides a habitat for protected species.
- The proposed employment area is unacceptable given the semi-rural setting and neighbouring borehole.
- Concern about foul water drainage.
- Ease of access into the rear of properties could be a security issue.
- Loss of amenity, outlook and landscape for local villagers.
- The proposed number of units is too high.
- Insufficient regard has been given to infrastructure including schools and medical facilities.
- Inadequate public transport links.

The 'Bottle Store':

- It is likely that the building would need to be substantially demolished and reconstructed for its proposed use, which would undermine its potential locally listed status.
- The roof and guttering would overhang the neighbouring property.
- Concern about the proposed use of the building as a community hall and the potential for future changes of use.
- Need to restrict the hours of use to avoid noise and disturbance to occupiers of neighbouring residential properties.
- The risk of Arundel Road being used for overspill parking.
- The height should not exceed that of the existing building to avoid an impact on the sunlight and daylight of neighbouring properties.
- External lighting must not be allowed to spill onto neighbouring property and used only when required.
- The bin store should be relocated away from the boundary with residential properties.
- The proposed community centre would be better located towards the centre of the site near the field and play area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are noted and are considered as appropriate in the Conclusions section of this report.

CONSULTATIONS

- WSCC Strategic Planning
- Environment Agency
- Highways England
- Southern Water Planning
- Engineers (Drainage)
- Parks and Landscapes
- Arboriculturist
- Surface Water Drainage Team

Sussex Police-Community Safety
Environmental Health
Ecology Advisor
Ecology Advisor
WSCC Strategic Planning
Highways England
Environment Agency
Southern Water Planning
Engineers (Drainage)
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND: No Objection.

Highways England is concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27. Highways England will not accept any surface water run off or new connections from the development into the A27 highways drainage system (DfT Circular 02/2013 paragraph 50 applies). On this basis, the reserved matters in this application do not have an impact upon the safety or operation of the SRN and we do not have any comments or objections.

It is expected that prior to the commencement of any works on the site, a detailed drainage scheme based on RCP's Drainage Strategy and SUDS statement (January 2020) shall be submitted to and approved in writing by the local planning authority (who shall consult Highways England).

It is also expected that prior to the commencement of any works on the site, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority (who shall consult Highways England).

LOCAL HIGHWAY AUTHORITY:

- (i) Parking standards - The design and access statement notes that parking has been provided across the development and local to the plots at 1.5 spaces per 1 bedroom dwelling, 2 for 2 & 3 bedroom dwellings and 3 for 4 bedroom and above. ADC should consider the proposed level of parking in accordance with their own parking standards with regard to the provision for 1 bedroom dwellings, the use of garages and electric vehicle charging.
- (ii) Retail parking - A technical note has been submitted explaining that 10 parking spaces would be provided, whereas the Arun Parking Standards SPD would require 24. The provision of 10 spaces is justified upon TRICS data, local catchment area and comparison to other local stores. As such no concern is raised.
- (iii) Pedestrian and cycle connections - An additional connection has been included onto Wandleys Lane. Further information should be included to ensure pedestrian visibility is provided onto Wandleys Lane.
- (iv) Vehicle tracking - It is noted that a fire tender in the vicinity of plots 363 and 362 would be required to reverse across vehicle parking spaces. A refuse vehicle in the vicinity of B20 and B21, C30 and C29 and parking space 33 would also appear to overrun or be restricted. As such, amendments are required.
- (v) Cycle parking - cycle parking should be provided within the site (e.g. in front of the retail unit, play area and allotments).
- (vi) Visibility splays - Additional plans showing access points and visibility splays are still to be provided.
- (vii) Arundel Road access - A restriction will be needed to prevent all-day parking in the proposed parking

bay on Arundel Road.

Further information/modifications should be provided to address the above.

ENVIRONMENT AGENCY: No objection subject to conditions.

We have reviewed the Drainage Strategy and SuDS Statement (January 2020). We support the use of the CIRIA SuDS Manual and the Simple Index Approach to calculating the pollution prevention measures required. Long term maintenance is also included in the report and we would like to highlight the need for long term management and maintenance in order to protect groundwater and ensure the SuDs system works effectively.

SOUTHERN WATER: No objection subject to use of a planning condition.

Southern Water has undertaken a desk study of the impact that additional foul water flows from the proposed development will have on the existing public sewer network. 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.

No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

ADC DRAINAGE ENGINEERS:

Further surface water drainage information is required prior to the determination of this application to ensure that the development can adequately drain.

The surface water drainage proposals require some re-evaluation. Some soakaways need to be moved to ensure sufficient easement between soakaways and buildings can be achieved. Where possible, soakaways should also be moved from the application site boundary.

There is a large degree of variation in infiltration rates across the site. Some proposed soakaways are located between previous infiltration testing locations where rates differed substantially. Assessing the adequacy of the surface water drainage design and layout is therefore difficult in these locations. Further infiltration testing is being completed to ascertain where the delineation in soil characteristics occurs.

A 10m offset is required between buildings and soakaways due to the presence of chalk in underlying strata. As a result, drainage and layout must be considered concurrently.

ADC ECOLOGICAL ADVISOR:

The information submitted within the 'Updated Ecological Survey 2018', 'Technical Note: Ecological Considerations - reserved matters application' and Landscaping Maintenance Plan (Jan 2020) is in-line with the agreed proposals as part of the outline planning application.

An updated plan of the ecological enhancements which will be taking place on site is required to ensure that this still follows the agreed enhancements.

ADC GREENSPACE:

- (i) Protection must be given where indicated for existing vegetation to be retained, including the hedgerow on the parish boundary;
- (ii) While self-binding gravels for paths in the main area of public open space will give a softer appearance than tarmac, there is a maintenance liability that the Parish Council needs to consider;
- (iii) The playground plan provides a good mix of play experience with a variety of equipment;
- (iv) Clarification is required over the provision of unequipped natural areas of play for younger children

(LAPs);

(v) Agree with Southern Water that there should be no planting within 3m of the gravity foul sewer;

(vi) Responsibility for maintenance to be confirmed.

Recommend approval of hard and soft landscape details, public open space, LEAP, MUGA and allotments proposed within this application.

ADC ARBORICULTURE: No objection subject to the use of a planning condition to ensure appropriate levels of protection for retained trees.

SUSSEX POLICE:

Recommend additional measures (comments relate to initial submission).

Sussex Police has no major concerns with the proposals. However, additional measures to mitigate against identified local crime trends and site specific needs should be considered.

ADC ENVIRONMENTAL HEALTH:

No objection in principle, but further information is required in relation to:

(i) The storage of commercial waste from the Class A1, A2 or A3 units; and

(ii) Mitigation of the effects of noise and external lighting from the Class D1/D2 use on local residents.

Additionally, model conditions have been recommended to deal with:

(i) The extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises;

(ii) The drainage from any commercial kitchen, to be fitted with an effective grease trap/separator;

(iii) Details of extract fan units, filters, extraction hoods and ducting together with method of noise abatement;

(iv) The provision of sanitary accommodation in food businesses;

(v) Restriction on the hours of deliveries;

(vi) Details, including acoustic specifications, of all fixed plant, machinery and apparatus associated with air moving equipment; and

(vii) External lighting.

COMMENTS ON CONSULTATION RESPONSES:

Highways England - Conditions 12 and 14 of the outline planning permission deal with the surface water drainage system and the SuDS. Condition 20 deals with the lighting of the employment area adjacent to the Fontwell West roundabout.

Local Highway Authority - Additional plans showing access points and visibility splays are not required as part of this application (with the exception of the additional pedestrian and cycle access onto Wandleys Lane). Access was considered at the outline stage and the approved plans were listed in Condition 4 of the outline planning permission.

Environment Agency - Conditions 12, 13, 14, 15 and 16 of the outline planning permission address the matters raised previously by the Environment Agency.

Southern Water - Condition 15 of the outline planning permission requires details of a proposed foul water drainage system to be submitted to and approved in writing by the local planning authority prior to the commencement of each phase of the development.

ADC Ecological Advisor - Condition 17 of the outline planning permission requires a detailed ecological enhancement scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of construction works on each phase of the development.

ADC Greenspace - On the question of responsibility for maintenance, the applicant has stated:

(i) "In respect of commuted sums associated with the principal POS area to be transferred to Walberton Parish Council, Schedule 5 of the S106 legal agreement entered into in association with the grant of outline planning permission requires the approval of a Parish Council Open Space Delivery Plan which must be submitted to and agreed in writing by WPC prior to the commencement of development. As per para. 4 of the Schedule, this also requires a commuted sum to cover ongoing maintenance of the POS to be agreed in writing with WPC. This process has commenced with WPC".

(ii) "The POS which will not be transferred to WPC will be managed via standard Management Company provisions funded through service charge and will be formally agreed with ADC through the submission of an 'Other Open Space Delivery Plan' and associated 'Other Public Open Space Management and Maintenance Plan' as per Schedule 5, Part B of the S106 legal agreement entered into in association with the original grant of outline planning permission".

ADC Arboriculture - Condition 11 of the outline planning permission requires a scheme for the protection of trees, shrubs and hedges to be retained on, or adjacent to, the site to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

[Barnham & Eastergate Neighbourhood Plan 2014](#) Connection to sustainable transport

POLICY GA1

Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW4	Provision of allotments
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
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 ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
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
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing
Walberton Neighbourhood Plan Policy 2017 CL8	Allotments
Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

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
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Local Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

While the site lies within the designated Minerals Safeguarding Area and the Lidsey Waste Water Treatment Works Catchment Area, the policies related to these subjects are not directly relevant to the reserved matters the subject of this application.

The application site falls within two parishes, Walberton Parish and Barnham and Eastergate Parish, both of which have made neighbourhood development plans. The Barnham and Eastergate Neighbourhood Development Plan 2014-2029 was made on 16 July 2014. The Walberton Neighbourhood Development Plan was made on 8 March 2017.

The outline planning permission (WA/22/15/OUT) was granted in the context of both of these neighbourhood plans.

Relevant neighbourhood plan policies have been taken into account and are addressed in the Conclusions section of this report.

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 within a strategic housing allocation inside the built-up area boundary in compliance with the Development Plan. However, the proposal does not comply with the Development Plan because of its conflict with the following policies of the Arun Local Plan 2011-2031:

- D SP1 Design
- D DM1 Aspects of form and design quality
- ECC SP2 Energy and climate change mitigation
- T SP1 Transport and Development
- T DM1 Sustainable Travel and Public Rights of Way
- WM DM1 Waste Management

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

A masterplan for the Fontwell strategic allocation has not yet been endorsed by the Council. However, a

Design Code Masterplan has been prepared and submitted for approval (WA/41/19/DOC) in pursuance of condition 7 of the outline planning permission (WA/22/15/OUT). A copy of the submitted Design Code has been included among the plans, drawings and documents accompanying this application for approval of reserved matters.

The principle of the development of this site was established with the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017, for up to 400 new dwellings as well as commercial floor space. Access to the site, from Fontwell Avenue, was considered as part of the outline application and was also approved.

The issues to be considered under the current application are matters of detail and relate to the appearance, landscaping, layout and scale of the residential, retail, community and public open space elements of the development. Consideration of these matters will need to include an examination of how well the proposed development integrates Fontwell with the existing urban area at Wandleys Close in the context of Policy H SP2c.

Policy H4 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029 also requires residential development to be designed so that the new housing integrates with its surroundings and is well connected to the village.

Housing Mix

Policy H DM1 of the Arun Local Plan 2011-2031 seeks to secure a mix of dwelling types and sizes, including affordable housing units, as does Policy H3 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029. The former states, "for developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations".

From the submitted Plot Schedule and the Tenure Layout (Drawing numbered P1549.1.04 Rev. C), the proposed development comprises the following mix in each sector:

Market

0 x 1 bedroom - 0%
75 x 2 bedrooms - 27%
178 x 3 bedrooms - 64%
27 x 4+ bedrooms - 10%

Intermediate/Starter Homes

9 x 1 bedroom - 15%
33 x 2 bedrooms - 56%
17 x 3 bedrooms - 31%
0 x 4+ bedrooms - 0%

Affordable Rented

21 x 1 bedroom - 34%
33 x 2 bedrooms - 54%
4 x 3 bedrooms - 7%
3 x 4+ bedrooms - 5%

When compared with the SHMA recommendations, the market housing is weighted towards the provision of three-bedroom dwellings at the expense of smaller units. The intermediate sector generally accords with the recommendations, while the affordable rented sector is dominated by the provision of

two-bedroom dwellings at the expense of both smaller one-bedroom units and larger three-bedroom units.

Affordable Housing

Policy AH SP2 of the Arun Local Plan 2011-2031 states that the Council will require a minimum of 30% of the total number of units proposed on site to be provided as affordable housing on the same site on all developments of 11 residential units or more.

A planning obligation, secured at the outline stage, also requires 30% of the total number of dwellings to be provided as Affordable Housing Units.

The application proposes 400 dwellings and includes 120 affordable units, which equates to a 30% provision of affordable units. Therefore, the total number of units to be provided as affordable housing meets both the policy requirement and the planning obligation.

The proposed affordable housing mix does not accord precisely with the planning obligation associated with the outline planning permission (WA/22/15/OUT). However, the Council's Housing Strategy & Enabling Manager has reviewed the proposal and, recognising the benefit of an additional house for rent, considers the proposed affordable housing mix to be satisfactory.

Policy AH SP2 of the Arun Local Plan 2011-2031 adds that: "Affordable Housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes." Small clusters of affordable housing units are proposed throughout the scheme, in all five of the distinct character areas. In this respect, the proposal accords with Policy AH SP2.

LAYOUT

Policy D SP1 of the Arun Local Plan 2011-2031 states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development."

Policy D DM1 states that the Council will have regard to various aspects of form and design quality when considering proposals for development, including layout both in terms of movement and legibility.

Street Hierarchy

The proposed layout follows a clearly defined street hierarchy, as set out in the submitted Design Code Masterplan. There are five types of residential street, defined by their design speed, street width, pavement width, parking arrangement, building set-backs, plot boundaries, materials and tree planting. The streets are as follows:

1. The Arrival Avenue

This is the main access street and connection to Fontwell Avenue. It is a formal tree lined street, with a 6.1m wide carriageway, grass verge of a consistent width and a footway on each side. It has a two and a half to three-storey building frontage enclosing the street. Hedge planting defines the plot frontage. It features some defined on-street parking bays.

2. Residential Avenues

These are secondary residential streets leading from the Arrival Avenue. They are tree lined (typically to one side, which can alternate). The carriageway is 5.5m wide. There is a grass verge (typically to one side of the street). There are footways on each side. Private plot frontages are defined by hedges. Again, there are some defined on-street parking bays.

3. Residential Streets

These are tertiary residential streets. There is occasional tree planting. The carriageway width is 4.8-5.5m and there is a verge and footway on each side. A mix of hedges define the plot boundaries and there are occasional on-street parking bays.

4. Stray Streets

These are green corridors providing a visual and physical transition between the central common and the rural edges. The verges vary in width to provide green space and informal clusters of trees (to either side). The carriageway width is 5.5m and there is a verge or footway to each side. The plot frontages are defined by hedges and there is private plot parking.

5. Edge Lanes

These are single-sided access routes overlooking landscape edges, open space or mature trees (along Fontwell Avenue). They feature a 4.8m wide carriageway / shared surface drive.

Unlike the plans originally submitted, the proposed street hierarchy is now considered to be legible.

Land uses and character areas

The proposed layout features open space, including allotments, orchard, wildflower meadow, paddocks, equipped play area and multi-use games area in the north-eastern part of the site. This retains the 4.5 hectares of open space provision established at the outline stage and secured through a s.106 agreement.

The proposed housing is located to the north-west, west, south and south-east of the open space in five distinct character areas. The character areas have been defined following a thorough analysis of the site and its surroundings and the wider Sussex Downs and Coastal Plains landscape character areas. As set out in the Design Code Masterplan, the five character areas are described as follows:

1. Gateway Arrival - "A welcoming gateway defined by a prominent local shop, a grander scale of buildings framing a landscaped avenue, mature trees, green space and improved pedestrian connections."
2. Slopes to Fontwell Avenue - "New residential streets which are less formal in character than the Gateway Avenue. Streets that step down the slopes towards Fontwell Avenue, opening up views of focal trees and Fontwell Racecourse."
3. Arundel & London Road - "New dwellings that tie in with the existing suburban character of Arundel Road."
4. Village - "A village character centrally located on the plateau of land framed by hedges and trees. Dwelling frontage to the common parkland space and tree lined avenue."
5. Rural Edge - "Enclosed 'rural courtyards' which respond through scale and form to the existing farm house and barns on Wandley's Lane."

A 336 square metre retail unit is proposed on the north side of the Arrival Avenue, within the Gateway Arrival character area. A 150 square metre community building is proposed to the north of the site adjacent to Arundel Road, within the Arundel & London Road Character Area. This includes conversion of 'The Old Smithy' (or 'Bottle Store'), which is proposed as a Building of Special Character in the Walberton Neighbourhood Development Plan.

One of the requirements of Policy H SP2 of the Arun Local Plan 2011-2031 is to cluster retail, commercial and community opportunities, as far as possible. Ordinarily, this would mean siting the proposed retail unit and the community building close together. However, Walberton Parish Council have expressed the view that the location of the proposed community building in the north of the site will enable the existing residents of Fontwell to be able to walk to the premises and that it will help to integrate the development with the existing village. Walberton Parish Council have added that there is an existing cluster of retail premises in the service area on the north side of Arundel Road and an existing parade of four shops at Orchard Crescent, both in close proximity of the site of the proposed community building.

Division of the site into the five proposed character areas and the location of the retail unit and the community building are considered to be acceptable.

Connectivity

Policy T SP1 of the Arun Local Plan 2011-2031 requires development not only to provide safe access on to the highway but to create safe and secure layouts for traffic, cyclists and pedestrians and to incorporate appropriate levels of parking in line with published guidance on parking provision and the Arun Design Guide.

Access and parking for the allotments is proposed using a grasscrete track situated between apartment block E and the equipped play area. This avoids the potential for conflict between allotment holders and the residents of the apartments, whose car park was previously proposed as a means of access. Access and parking for the paddocks will still require travelling a relatively long distance from Fontwell Avenue through a large part of the internal road network and crossing the route of a footpath/cycle link more than once.

The proposal includes the provision of an east-west footpath and cycle route through the public open space in the north of the site, linking Wandleys Lane with one of the internal roads leading north to Arundel Road. However, the Planning Layout (drawing numbered P1549.001 Rev. B) shows a reduction in the width of the footpath/cycle link from 3m to 2m where it meets the access for the allotments and the continued route north for cyclists is unclear.

Another footpath/cycle link has been introduced along one of the "stray streets" towards the south-eastern corner and Wandleys Lane beyond. This additional route could benefit the residents of Wandleys Close in gaining access to Fontwell village and also assist with the provision of a link between the coast and the South Downs National Park. That said, the Planning Layout (drawing numbered P1549.001 Rev. B) appears to show a gap between the site boundary and the Wandley's Lane carriageway. Hence the request from the local highway authority for further information to be provided.

Policy GI SP1 of the Arun Local Plan 2011-2031 requires all major development to be designed to protect and enhance existing green infrastructure assets, and the connections between them. Policy GA2 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029 also supports proposals that improve and extend the existing footpath and cycle path network, allowing greater access to new housing, the village centres, green spaces and the open countryside.

Pedestrian and cycle connections are proposed to be created as part of the vehicular access to Fontwell Avenue and an emergency vehicle access to Arundel Road. Further connections to Fontwell Avenue are proposed between the retained mature trees. The two connections to Wandleys Lane have already been mentioned. The proposed internal street pattern offers a choice of routes for pedestrian and cycle movement through the site. The network of routes shown on the plan in the Design and Access Statement (p.71) demonstrates a high level of permeability.

Parking Provision

Arun District Council's Parking Standards Supplementary Planning Document (SPD) January 2020 requires the provision of 2 car parking spaces for 1, 2 and 3-bedroom dwellings and 3 spaces for 4-bedroom dwellings. Given the proposed housing mix, this requires the provision of a total of 830 spaces for the residential units. Visitor parking is also required at a ratio of 20% of the total number of residential units, adding 80 spaces.

Cycle parking provision is also required at a ratio of 1 space for each flat, 1 space for 1 and 2-bedroom houses and 2 spaces for 3 and 4-bedroom houses.

From the submitted Parking Layout (Drawing numbered P1549.1.05 Rev.C), 913 parking spaces are proposed to be provided, including 10 for the retail unit. Garages and car ports have been included in the calculation. However, the SPD requires these to be at least 6m x 3m internally and, where it meets these dimensions, counts a garage as 0.5 parking spaces only. The submitted plans show car ports that do not meet these dimensions and garages that are smaller too. Consequently, there is a shortfall in the total number of car parking spaces to be provided. No information appears to have been provided regarding the provision of electric vehicle charging points.

Plans have been submitted showing the provision of sufficient cycle storage facilities for the flats, but the provision of covered and secure cycle parking facilities for many of the houses is unclear. Similarly, there appears to be no cycle parking provision for the community building, Multi-Use Games Area or play area.

The submitted plans show the provision of 7 parking spaces for the proposed community building and 10 parking spaces for the proposed retail unit. The former satisfies the Arun Parking Standards SPD. The latter does not.

A technical note has been submitted with the application explaining that 10 parking spaces would be provided for the retail unit, whereas the Arun Parking Standards SPD would require 24. The provision of 10 spaces is justified upon TRICS data, local catchment area and comparison with other stores. The local highway authority raises no concern with this, but notes that parking restrictions are likely to be required in front of the retail unit to reduce the likelihood of parking on the carriageway. Given the layout of the proposed unit, with its main entrance facing the "Arrival Avenue" and the parking spaces located at the rear, this scenario is considered to be highly likely. No information has been provided on deliveries to the unit which, depending on the size of vehicle used, could also lead to parking on the carriageway. Rather than have to introduce and subsequently enforce parking restrictions, such matters should be addressed through the design of the scheme. As currently proposed, this part of the layout is not considered to be acceptable.

Amenity Space Provision

Policy H5 of the Barnham & Eastergate Neighbourhood Development Plan requires proposals for new housing development to include good quality outdoor amenity space in the form of private gardens or a shared amenity area. The supporting text adds: "The amount of land used for garden or amenity space

should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate utility (for play and recreation) and quality having regard to topography, shadowing (from buildings and landscape features) and privacy."

The Government's National Design Guide recognises that well-designed homes and buildings provide good quality internal and external environments for their users, promoting health and well-being (para. 123). Amenity space is defined as: "The outside space associated with a home or homes. It may be private or shared, depending on the building it serves".

In accordance with paragraph 13.3.5 of the Arun Local Plan 2011-2031, the Council has published the Arun District Design Guide SPD Consultation Draft. Section H.04 of the Design Guide deals with Residential Outdoor Amenity & External Space Standards. It recommends minimum separation distances between habitable rooms in back to back, back to side and front to front arrangements, the minimum depth for private rear gardens and the minimum area for communal shared spaces.

Generally, the proposed layout accords with the recommended separation distances. That said, the relationship between plots 206-207 and plot 208 is not acceptable. Plots 206-207 feature living room, bathroom and bedroom windows at first floor level which will overlook the rear garden of plot 208, resulting in a loss of privacy for the occupiers of that property.

Private rear gardens are generally a minimum of 10m in depth, but there are several examples where this is not achieved across the whole width of the plot (i.e. plots 136, 165, 173, 179, 317 & 318). In the case of plot 165, this is due to the provision of a parking space for a neighbouring dwelling.

Communal shared space for most of the apartment buildings is limited to the soft landscape areas immediately adjacent to the buildings or courtyard parking areas. However, all of the apartment buildings are within reasonable proximity of the large central area of public open space.

In addition to the houses and apartment buildings there are several proposed flats over garages (e.g. plots 31, 51 and 325). These buildings would be sited behind the houses and apartment blocks, with a poor outlook over parking spaces and with little or no outdoor amenity space. These elements of the layout are considered to be unacceptable and contrary to local and neighbourhood plan policies.

Bin Storage

Policy WM DM1 of the Local Plan supports new residential development provided that: "a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats". Policy H6 of the Barnham & Eastergate Neighbourhood Development Plan requires bin stores and recycling facilities to be considered early in the design process and integrated into the overall scheme.

Bin storage for the houses is located in the rear gardens while communal stores are provided for the apartment buildings. No information has been provided on the storage of waste from the proposed retail unit.

According to the Design and Access Statement: "The site layout has been designed to ensure that refuse and recycling collections can be undertaken from the adoptable public road network at the front of properties. The private streets have been designed to accommodate refuse vehicles and to ensure that the necessary standards relating to turning areas and roadway construction have been met." The last statement is incorrect. The local highway authority has commented that the submitted swept path analysis for a refuse collection vehicle requires amendment to avoid showing a vehicle either running over, or being restricted by, five parking spaces. Moreover, the submitted plans show the tracking of a

10.22m long vehicle. For Arun District, it is necessary to show the turning of a 12m long refuse collection vehicle.

The proposed development is therefore not considered to accord with Policy WM DM1 of the Local Plan and Policy H6 of the Neighbourhood Plan. Generally, it is considered that the proposed layout would function well, enabling movement through the site and to places beyond while at the same time having a clearly legible structure. However, the submitted plans fail to demonstrate satisfactory provision for the parking of cars and cycles, the charging of electric vehicles, outdoor amenity space, waste storage for the retail unit and space to accommodate the movement of a refuse collection vehicle.

SCALE

Policy D DM1 (14) of the Arun Local Plan 2011-2031 states: "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".

The proposed dwellings would be predominantly two storeys in height, which would work well stepping down the slopes towards Fontwell Avenue. There are some two and a half storey buildings in key locations, defining focal spaces or facing the large open space, to provide a sense of enclosure. Some taller apartment buildings, rising to three storeys, are proposed at the eastern end of the "Arrival Avenue" and in the street running north towards Arundel Road.

The taller buildings are mostly located on the wider roads or on the edge of areas of open space, so as not to appear out of place in relation to their surroundings. Those located in the "Arrival Avenue" also take advantage of the slope, stepping down towards Fontwell Avenue, so as not to appear too bulky.

Longer two storey buildings are proposed in the "Rural Edge" character area and seek to follow the example of barns and similar agricultural buildings surrounding a courtyard. Located adjacent to the public open space, it is considered that buildings of this scale would fit with their surroundings.

The scale of the proposed buildings is considered to be appropriate for their location within the site. In this respect, it is considered that the proposed development complies with Policy D DM1 (14) of the Arun Local Plan and Policy H4 of the Barnham & Eastergate Neighbourhood Development Plan.

APPEARANCE

Policy D DM1 of the Arun Local Plan 2011-2031 requires proposals to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area". Similarly, Policies ES5, ES6 and ES8 of the Barnham & Eastergate Neighbourhood Development Plan 2014-2029 and Policy HP13 of the Walberton Neighbourhood Development Plan 2015-2035 require proposals for new housing to be of high quality and designed to reflect the local character.

The National Design Guide states that well-designed new development is influenced by:

- "an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built-form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area".

This includes considering a range of factors, one of which is facade design, such as the degree of

symmetry, variety, the pattern of windows and doors and their details. (Paragraph 52)

The Arun District Design Guide SPD Consultation Draft also contains guidance on building design. Section J.04 deals with building frontages and facades and section J.05 deals with roofs, openings and articulation.

New designs are required to respond to the frontages and facades of existing buildings in the immediate surroundings and exemplars in the wider context in order to ensure a high-quality elevational treatment that integrates with the surrounding context. Generally, vertical emphasis in elevation is suited to development in urban areas, while horizontal emphasis is suited to rural contexts. Building facades should be simply organised and aligned.

The SPD seeks to ensure that the roofs, windows and entrances of buildings are simply and successfully designed to integrate with the surroundings and wider context. It states that dormer windows should not be over-dominant and fussy, windows and doors should be vertically and horizontally aligned, while arrangements that are almost aligned should be avoided.

The proposed materials include brick, boarding, flint, painted brick, tile hanging and render for the external walls and brown, red and grey tiles for the roofs. The specific choice of materials appears to be determined by the character area in which the building is located.

The revised set of plans and drawings has been examined in the context of the submitted Design Code. Examples have been found where the appearance of the proposed buildings appears to conflict with the Design Code. In the Fontwell Avenue Character Area, the proposed cottages around the attenuation pond are not shown with lower eaves, one and a half storeys or feature chimneys. In the Arundel & London Road Character Area, there are no proposed semi-detached houses with central gables. In the Village Character Area, it is proposed to include two and a half storey dwellings that bear little, or no resemblance, to a 'cottage' style. The proposed two and a half storey dwellings have facades that would be difficult to describe as being simply organised. Some feature large dormers (or full-length windows and a Juliette balcony) at second floor level, full-length windows and Juliette balcony at first floor level and narrower windows at the ground floor, with a mixture of different doors and canopies.

The applicant has been made aware of these concerns and has submitted an annotated copy of the submitted Design Code identifying those parts of the development where they believe the code is met and those parts where further revision could be made. The proposed revisions include the following:

In the Fontwell Avenue Character Area - dropping the eaves to 1.5 storey (plots 199 - 202) and adding feature chimneys (plots 198 & 203). In the Arundel & London Road Character Area - adding central gables (plots 67&68 and 71&72) and forming a pair of semi-detached houses (plots 62&63). In the Village Character Area - adding picket fencing (plots 333-341). In the Rural Edge Character Area - linking blocks F and G with an archway and a clock and adding a 1.2m high flint wall (plots 358-360 & blocks F & G).

Three computer generated images (CGIs) and a set of streetscene drawings annotated with references to the design code have also been submitted. The streetscenes and the CGIs re-inforce the view that the aspirations set out in the submitted design code have not been fully realised in the appearance of the buildings. Indeed, CGI - B shows a street scene that could be from a development almost anywhere.

Consequently, the appearance of the proposed development is not considered to constitute high quality design that would otherwise accord with Policy D DM1 of the Arun Local Plan, the policies of the neighbourhood plans, the National Design Guide and the draft Arun District Design Guide.

Trees

Policy ENV DM4 of the Local Plan states: "Where there are existing trees on or adjacent to a development site, developers shall be required to provide:

- d. Land and tree surveys
- e. A tree constraints plan
- f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement

A limited number of trees would be lost to facilitate safe vehicular access to the site from Fontwell Avenue. This was considered and approved at the outline stage.

An Arboricultural Method Statement, including updated Tree Survey Plans and Tree Retention Plans, has been provided with the reserved matters application. The ADC Tree Officer has concluded that the proposed development is broadly supportable from an arboricultural perspective, although the provision of open space and landscape planting would be expected to be both ambitious and with the long-term in mind, to provide adequate compensation for the planned loss of so much high canopy.

The existing hedgerow on the boundary between the two parishes satisfies the definition of an "important" hedgerow under The Hedgerow Regulations 1997, because it has existed for more than 30 years and it marks a boundary between parishes existing before 1850. The Regulations make provision for the protection of "important" hedgerows. Before removing any such hedgerow, the owner must notify the local planning authority. The hedgerow may then not be removed if the local planning authority serves a hedgerow retention notice. However, removal of an important hedgerow is permitted if it is required for carrying out development for which planning permission has been granted.

The hedgerow does not form part of the setting of any heritage asset; the significance of which would otherwise need to be considered along with the harm that would result from the hedgerow's removal.

The alignment of the hedge is approximately north to south and it divides the land adjacent to Fontwell Avenue from the rest of the site. Outline planning permission was granted by the Secretary of State for development of the whole of the site that has subsequently become the strategic housing allocation (SD6) in the Arun Local Plan; not only the land adjacent to Fontwell Avenue. Only one means of vehicular access to the housing site was permitted, from Fontwell Avenue. Therefore, it is inevitable that one or more sections of the hedgerow will need to be removed to accommodate the development. Indeed, an illustrative layout was provided at the outline stage showing the removal of sections of this hedgerow. The landscape masterplan accompanying the current reserved matters application shows the removal of similar sections of the hedgerow. Subject to the implementation of an ambitious planting scheme to compensate the loss, as part of the landscaping proposals, this is considered to be acceptable.

As Condition 11 of the outline planning permission separately requires a scheme for the protection of trees, shrubs and hedges to be retained on, or adjacent to, the site to be submitted to and approved in writing by the local planning authority prior to the commencement of development, the proposed development is considered to accord with Policy ENV DM4 of the Arun Local Plan.

LANDSCAPING

Condition 8 of the outline planning permission (WA/22/15/OUT) states: "The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately

owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details."

A Landscape Maintenance Plan dated January 2020, prepared by DEFINE landscape architects, has been submitted in support of the application. The plan includes objectives, management responsibilities and maintenance schedules, as required by Condition 8. In addition to the landscape maintenance plan, the application is accompanied by five plans and two sections showing details of the landscaping proposals, including specimen street tree planting, specimen orchard tree planting, native tree planting, native shrub planting and ornamental shrub planting.

While the landscaping scheme has much to commend itself, what is particularly notable is the absence of proposals to provide significant planting on the boundary with the employment site to the north-east. The illustrative layout that accompanied the outline application (WA/22/15/OUT) and the framework masterplan in the submitted Design Code show two different forms of planting on this boundary. The landscaping scheme submitted with the application for approval of reserved matters for the light industrial floorspace (BN/57/19/RES) also shows proposed native species tree planting adjacent to the boundary, but within that site and ultimately under separate ownership and control. The absence of planting in this location as part of the proposed housing development is a significant omission and of such importance that the submitted scheme is considered to be unacceptable.

Open Space Provision

Policy OSR DM1 (2) of the Local Plan states: "Housing... will be required to contribute towards:

a. Open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the District open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new off-site provision in order to address any future demand."

Developments of the scale proposed in this application are expected to provide open space on site. Using the online calculator associated with the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, a development of 400 dwellings would be expected to provide at least 2.8ha of public open space.

The proposed provision of 4.5ha of on-site public open space is acceptable and complies with Policy OSR DM1(2a) of the Local Plan, the Open Space SPD and the s.106 agreement associated with the outline planning permission (WA/22/15/OUT).

OTHER MATTERS

Residential Amenity

Policy D DM1(3) of the Local Plan requires proposals to "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance".

The proposed development is considered unlikely to result in significant harm to existing nearby residential dwellings in terms of overlooking, overbearing or overshadowing impacts. There is limited conflict between the proposed dwellings and existing dwellings. A separation distance of 25m is present between the proposed houses and the nearest dwellings on the west side of Fontwell Close. As such this relationship does not give rise to any unacceptable adverse effects.

The proposed use of 'The Old Smithy'/'Bottle Store' as a community building has the potential to give rise

to unacceptable noise and disturbance to the occupiers of nearby residential properties. However, a suitably-worded planning condition could be used to restrict the hours of use of the building, to minimise potential noise and disturbance to neighbours.

Consequently, the proposed development accords with Policy D DM1(3) of the Local Plan.

Drainage

Condition 12 of the Outline Planning Permission (WA/22/15) is a pre-commencement condition requiring full details of the proposed surface water drainage scheme to be submitted to and approved in writing by the local planning authority as part of a separate application. The condition also precludes the occupation of any building until the complete surface water drainage system serving the development has been implemented in accordance with the approved details.

However, while drainage is a matter for a separate application for the approval of details reserved by Condition 12 of the Outline Planning Permission, it is inextricably linked to the layout of the site. Full details of the proposed surface water drainage scheme and the site layout must therefore be considered concurrently as ADC's drainage engineer has advised.

Heritage Assets

Policy VE 5 of the Walberton Neighbourhood Development Plan refers to buildings and structures of character and requires that "development proposals relating to them will be expected to retain their local distinctiveness and removal of part or all of them will not be permitted unless it can be demonstrated that they cannot be put to an alternative beneficial or viable use". Schedule 5B of the same plan identifies 'The Old Smithy', located in the northern part of the application site, as a building that should be added to the local planning authority's Local List. The building has not been added to the Local List. Therefore, there is no need for an assessment as to whether the proposal accords with policies HER DM2 of the Arun Local Plan 2011-20131 and VE5 of the Walberton Neighbourhood Development Plan, or paragraph 197 of the NPPF. Even so, it is noted that the proposal includes re-use and retention of the building rather than its loss.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 design of some of the parking courts and streets may not meet the needs of disabled people who find it difficult to navigate level surfaces when the kerb between the road and pavement is absent.

SECTION 106 DETAILS

Planning obligations related to the proposed development are contained in a s.106 agreement completed at the outline stage. The obligations include contributions towards healthcare, swimming pools, sports halls and community buildings, artificial turf pitches, police infrastructure, education, highways, fire and rescue, libraries, a playing field path, play area, cycle path and MUGA. The agreement also deals with the provision of affordable housing, a bus service, public open space and community buildings.

RECOMMENDATION

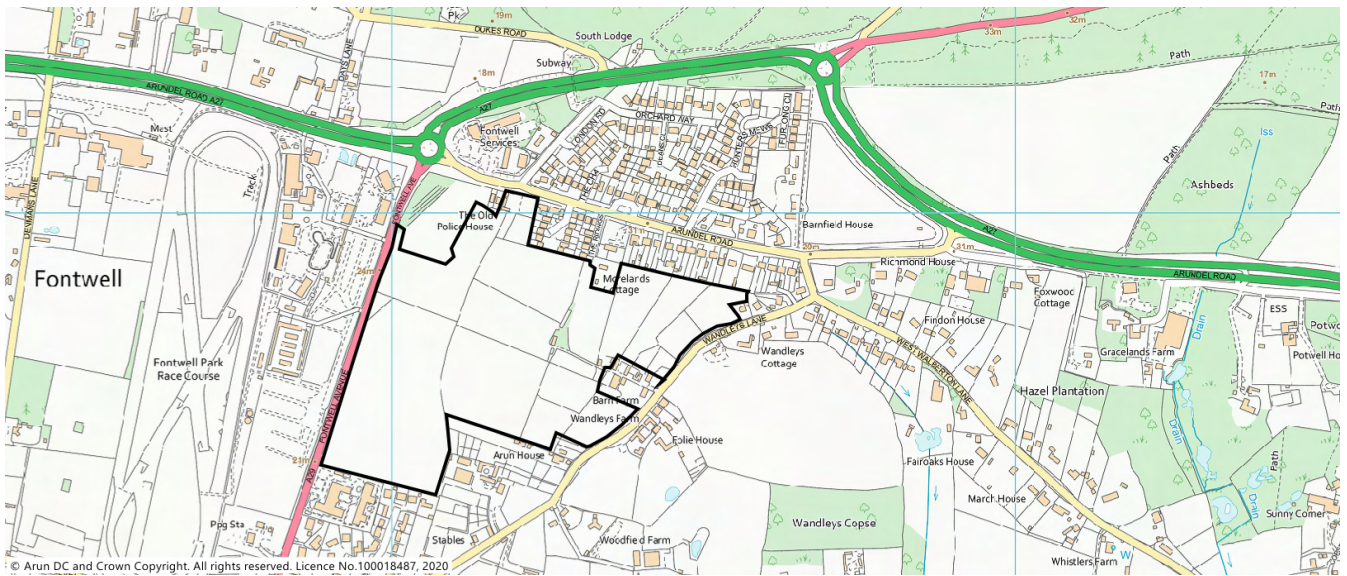
REFUSE

- 1 The proposed development does not constitute a high standard of design in the appearance of the buildings, outdoor amenity space for the dwellings and the landscaping of the site, contrary to Policies D SP1 and D DM1 of the Arun Local Plan 2011-2031, Policies ES5, ES6 and ES8 of the Barnham & Eastergate Neighbourhood Development Plan 2014-2029, Policy HP13 of the Walberton Neighbourhood Development Plan 2015-2035, the National Planning Policy Framework and the National Design Guide.
- 2 The proposed development does not make adequate provision for the parking of cars, charging of electric vehicles and the parking and storage of cycles contrary to Policies T SP1 and T DM1 of the Arun Local Plan 2011-2031 and the Arun Parking Standards Supplementary Planning Document January 2020.
- 3 Insufficient information has been submitted to demonstrate that the proposed development would be able to accommodate the movement of a 12m long refuse vehicle to collect household waste and items for recycling, contrary to Policies D DM1 (10), T SP1 and WM DM1 of the Arun Local Plan 2011-2031.
- 4 Insufficient information has been submitted to demonstrate how at least 10% of the energy supply of the development can be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use, contrary to the requirement of condition 22 of the outline planning permission (WA/22/15/OUT) and Policy ECC SP2 of the Arun Local Plan 2011-2031.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

WA/48/19/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AL/64/20/PL

LOCATION: Springfield
Hook Lane
Aldingbourne
PO20 3TE

PROPOSAL: Demolition of the existing dwelling & construction of 2 no. 2-bed, 3 no. 3-bed, 4 no. 4-bed houses including access, landscaping & associated works (resubmission following AL/27/20/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The existing dwelling "Springfield", will be demolished and replaced with a new chalet bungalow (with front/rear dormers) repositioned further to the north closer to "Tara". This will allow a new access to be created from Hook Lane in between the replacement dwelling and Little Acres. The replacement dwelling will have an integral garage and 2 additional curtilage parking spaces. The rest of the site will then be developed with 8 two storey detached/semi-detached dwellings. All houses have curtilage parking spaces (2 or 3 depending on the number of beds). 7 visitor spaces are shown within the layout.

A preliminary drainage drawing (ref 602-01 Rev C) has been provided which suggests a gravity fed solution draining to the ditch on the northern boundary. The drawing shows an attenuation feature to the south of the road surface then piped to the northern ditch. The engineering drawings suggest that there will not need to be any changes to site levels.

SITE AREA

0.46 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 19.5 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

The large open part of the site has trees to all boundaries, some of which are offsite, some on the boundary and some in the site. The largest number of trees are to the north boundary and include at least 4 category B trees (the grading of some trees as category C in this area is disputed by the Councils Tree Officer). To the east boundary is a category A Oak tree (TPO/AL/1/20) and a large category B tree. In the southwest corner lies a further category B tree.

It is proposed to remove 2 category B trees, 7 category C trees, 4 category U trees and two small hedges. Tree surgery

work will be carried out to 2 trees (T08 Monterrey Cypress & T18 Ash) and to an area of shrubs in the south eastern corner. The applicant confirms that directional drilling will be used to avoid major roots when laying the surface water connection to the ditch on the north boundary.

BOUNDARY TREATMENT

All 1m high post & rail except 1.8m high mixed close boarded fence/wall to rear/(southern) side of "Tara" and a low 1m high close boarded fence to northern side of "Springfield".

SITE CHARACTERISTICS

The site consists of two distinct parts. First, the dwelling "Springfield" and its curtilage. Springfield is a bungalow with velux windows in its rear roof. It has several outbuildings in the rear garden. It is accessed from Hook Lane with a drive on its north side leading to a gate into the second area, a large grassed space to the rear. This has a couple of small outbuildings but is otherwise empty.

CHARACTER OF LOCALITY

Semi-rural area, this property falls within a ribbon of housing development along the road of detached bungalows, chalet bungalows & two storey houses of varying architectural styles, designs and with a mixed building line. There is a horticultural nursery on the opposite side of Hook Lane with its access immediately opposite the site frontage.

The large open part of the site has new build dwellings to the north (part of a Barratt David Wilson Homes development) which have either front or side elevations facing the site, some of which have principal windows at ground/first floor. The eastern and southern boundaries are with vacant land presumably owned by other adjoining residential properties.

To the west, the site is overlooked by the rear of "Tara", a chalet bungalow with first floor rear facing bedroom & bathroom windows. "Little Acres" to the south of Springfield is a tall dormer bungalow with rear facing dormer windows including bedrooms. It has no flank windows that might otherwise be affected by the new access on its northern side.

RELEVANT SITE HISTORY		
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AL/27/20/PL	Demolition of the existing dwelling & construction of 2 No. 2-bed, 3 No. 3-bed & 4 No. 4 bed houses including access, landscaping & associated works (resubmission following AL/51/19/PL).	Refused 26-06-20
AL/51/19/PL	Demolition of the existing dwelling & erection of 3 No 2-bed, 3 No 3-bed & 4 No 4-bed dwellings, access, landscaping & associated works.	Refused 30-03-20

AL/51/19/PL (10 dwellings) was refused under delegated powers in March 2020 for the following reasons:

(1) The proposed scheme represents an overdevelopment of the site which will result in unacceptable harm/felling of trees of high amenity value and associated harm to biodiversity habitats in conflict with policies ENV DM4 & ENV DM5 of the Arun Local Plan & policy EH6 of the Aldingbourne Neighbourhood Development Plan.

(2) The proposed scheme fails to comply with the parking requirements of the new Arun Parking Standards Supplementary Planning Document (January 2020) and will therefore result in pressure for additional parking outside of the site potentially in places where it is not safe to do so. The proposal is therefore in conflict with this SPD and with policy T SP1 of the Arun Local Plan and policy GA3 of the Aldingbourne Neighbourhood Development Plan.

AL/27/20/PL was submitted for 9 dwellings. This was refused under delegated powers in June 2020 for the following reason:

(1) The proposed scheme represents an overdevelopment of the site and results in unacceptable harm to existing trees of high amenity value in conflict with policy ENV DM4 of the Arun Local Plan, policy EH6 of the Aldingbourne Neighbourhood Development Plan and paragraph 170 of the National Planning Policy Framework.

There are current planning appeals for both of these refusals.

REPRESENTATIONS

Aldingbourne Parish Council state objection on the basis that:

- (a) Site lies outside the BUAB in the Aldingbourne Neighbourhood Development Plan (ANDP);
- (b) Loss of open land;
- (c) Increased demand on local infrastructure;
- (d) Increased traffic on a quiet rural lane;
- (e) Site lies in area at risk of flooding;
- (f) Harm to semi-rural character;
- (g) Overdevelopment of the site;
- (h) Layout is dominated by parking;
- (i) Breach of ANDP H1 "Quality of Design" policy;
- (j) Layout has no connections beyond the road access;
- (k) North facing gardens will result in pressure to prune or fell trees;
- (l) Not clear how ecological enhancement measures will be enforced;
- (m) No bat survey;
- (n) No details of lighting to demonstrate compliance with Dark Skies policy; and
- (o) Loss of trees and corresponding harm to site ecology.

In addition, 8 letters of objection raising the following material planning concerns:

- (1) Not in accordance with the ANDP;
- (2) Traffic congestion;
- (3) Highway safety;
- (4) Overdevelopment;
- (5) Harm to local character & loss of this garden;
- (6) Harm to/loss of wildlife;

- (7) No tree survey and unclear how existing trees will be protected;
- (8) Loss of privacy to Ide Crescent;
- (9) No details of new boundary fencing to northern boundary;
- (10) No evidence of any community benefits; and
- (11) Pollution during construction.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect to the Parish Council response, items (a), (c), (d), (e), (f), (g), (h), (i), (j), (k) & (o) will be considered in the report's conclusions section with the following offered in respect of the other concerns:

- (b) Noted however, the site does not benefit from any special protection;
- (l) These are clearly shown on a drawing the Council will be able to enforce the requirement against the individual home owners or management company should any features be removed;
- (m) Noted. The application is accompanied by a preliminary ecological appraisal. The Council's ecologist reviewed this and did not request a bat survey. Relevant mitigation measures will be secured by condition; and
- (n) Lighting details are subject to a condition and assessed at that point by Environmental Health and the Council's ecologist.

In respect of the resident objections, items (1) - (6), (8) & (10) will be considered in the report's conclusions section with the following offered in respect of the other concerns:

- (7) The application was initially only accompanied by a Tree Protection Plan which set out the protection measures. An Arboricultural Impact Assessment & Method Statement was later provided although this is not accompanied by a Tree Constraints Plan or Existing Tree Schedule which were both present on the previous applications. The Tree Officer did not advise that the Constraints Plan or Schedule was required to assess the application;
- (9) The detail of boundary treatments will be secured by condition; and
- (11) Construction impacts are temporary and managed by a Construction Management Plan condition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection and no conditions.

SOUTHERN WATER - No objection subject to a condition to secure a connection to the foul sewage system and an informative regarding the need for separate SW approval of the connection.

WSCC HIGHWAYS - No objection subject to conditions. Access arrangements are the same as the previous applications to which no objections were made. Refuse vehicles can enter/exit the site in a forward gear.

ADC TREE OFFICER - Objection but states that this can be easily overcome. Comments that:

- Broadly, the proposal can be implemented by retaining the majority of large evergreen trees, that are of obvious landscape value;
- A number of these have been identified as Category B trees, a rating I can comfortably support;
- It is disappointing there is no attempt to retain T24 & T29 Cypress when they could be in harmony with plot 9 and access road, by selective branch shortening and use of 'No-dig' construction;

- Neither is suitable for a Tree Preservation Order and mitigation in the form of tree planting should be sought including the use of native tree species of potential stature (greater than 15m high) such that they will grow to complement and enhance the local landscape;
- Concerned with the route of surface water discharge to the north boundary watercourse and construction of the headwall - both in the RPA of a retained (off-site) mature Cypress (T21). Either the route of the drainage connection be changed or directional drilling employed to protect the roots here;
- The removal of T24 & T29 is unfortunate but the important tree line along the north boundary is suitably accommodated and with far less intrusion into likely rooting zones than before; and
- Conditions recommended should the application be recommended for approval.

ADC DRAINAGE ENGINEERS - Recommend same conditions as previous applications. Comment:

- Pumping is not sustainable and gravity options must be fully explored;
- The applicant should consider the significant use of permeable paving and other shallow features to convey and store water across the site, whilst minimising the use of pipework;
- Barratt David Wilson have recently undertaken works to the boundary ditch and installed a positive outfall from it into their onsite drainage system;
- The applicant should fully survey the ditch and its outfall, as this will impact any design;
- It may be necessary for the applicant to undertake further works to this ditch to reduce bed levels where possible, in order to aid a gravity solution;
- The conflict between the drainage scheme and the existing trees needs to be resolved; and
- The layout does not address the requirement to keep boundary fences at least 3m away from the banks of the northern boundary ditch in order to allow for future maintenance including allowing access by vehicles. This matter must be resolved before the layout is agreed.

ADC ENVIRONMENTAL HEALTH - No objection subject to a Construction Environmental Management Plan condition.

ADC GREENSPACE OFFICER - No response. Comments on AL/51/19/PL stated no objection and no requirement for open space or play on the site but that details of landscaping will be required particularly to the north boundary to provide mitigation planting.

COUNCILS ARCHAEOLOGIST - No objection subject to a standard condition.

COUNCILS ECOLOGIST - Notes the likely presence of bats, nesting birds and reptiles however raises no objection subject to conditions to secure various protection, mitigation and enhancement measures.

COMMENTS ON CONSULTATION RESPONSES:

All comments accepted unless noted below.

ADC TREE OFFICER - The applicant has amended the Arboricultural Impact Assessment & Method Statement to state that if significant roots are present along the line of the drainage channel then directional drilling will be used to avoid major roots. A landscaping condition will specify that tree planting should be on a ratio of 2 for every 1 lost and should include native species of potential stature.

ADC DRAINAGE ENGINEERS - It is proposed to resolve the concerns about the ditch through the use of an amended boundary treatments condition to state that:

"No development above damp proof course (DPC) level shall take place until details of all new screen walls and fences have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such screen walls/fences associated with them have been

erected. The submission of such details shall include an up-to-date survey of the ditch running along the northern boundary to take account of recent works to it as undertaken by Barratt David Wilson in respect of the adjacent site; and also the measures required to ensure 3m easements from the opposing banks of this ditch and the provision of vehicular access for maintenance including the use of demountable fencing or gates where appropriate."

The Councils Drainage Engineer has considered this approach and comments that:

- Barratt David Wilson and the Springfield developer have 50/50 riparian responsibility for the ditch Springfield have no right to maintain the ditch from the BDW side so need their own arrangements;
- The obvious solution to ensure vehicular access for maintenance would be to take this through plot 8;
- There are land drainage byelaws which stipulate that fences should be set back 3m from the top of banks but these would need to be enforced by the Councils legal department and it is preferable that this is resolved before the layout is agreed.

The layout would allow for access to be taken through the parking area of plot 8 provided that demountable fencing was then used to enable access from there to the ditch. The presence of separate legislation means that this can be agreed at a later date and if it proves not possible to secure the necessary easements/vehicular maintenance access then the applicant would need to submit an application for a new layout. It is proposed to add the following informative:

INFORMATIVE: The applicant and the future homeowners of plots 2-8 are reminded of the need to allow access to the ditch running along the northern boundary for the purposes of maintaining the flow of water. These riparian responsibilities are set out in the Public Health Act 1936, the Land Drainage Acts of 1991 & 1994 (as amended by the Flood & Water Management Act 2010), the Water Resources Act 1991 and in Arun's own Local Drainage Byelaws. Please refer to our website here for more information: <https://www.arun.gov.uk/watercourses-riparian-responsibilities>.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Special Control of Adverts;
 Class C Road;
 Lidsey Catchment Area;
 Archaeological Notification Area;
 Tree Preservation Order TPO/AL/1/20;
 CIL Zone 2;
 EA Flood Risk Zone 1; and
 Within 1.2km of Singleton & Cocking Tunnels SAC.

DEVELOPMENT PLAN POLICIES

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

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
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless... Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY	Within built up area boundary

H6	Windfall sites
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.
	Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail
Aldingbourne Neighbourhood Plan 2016 POLICY EE8	Communications infrastructure

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies of the Aldingbourne Neighbourhood Development Plan (ANDP) are considered in this report. Aldingbourne Parish Council are working on a new Plan which has completed Regulation 14 consultation. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The emerging ANDP replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). In the context of this report, it is only relevant to consider two of these. Firstly, policy H1 (housing design) is to be replaced with a housing allocations policy concerning two large sites in the area (neither of which concern the site). Secondly, EH2 2019 sets out policy for the Singleton and Cocking Tunnels SAC. It is considered that the Plan can be attributed low weight at this time.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

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

The proposal is considered to comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area or to the amenities of existing & future residents, will preserve trees of high amenity value and will not adversely affect the safety and convenience of the local highway.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

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

The site lies in the Built Up Area Boundary (BUAB) in the Arun Local Plan (ALP) and is acceptable in principle. It is necessary to assess the proposal against policies covering such matters as design/character, access/parking, residential amenity, space standards, pollution, drainage, biodiversity and trees.

The site is shown as countryside in the Aldingbourne Neighbourhood Development Plan (ANDP) and policy EH1 states development will not be allowed on sites outside the built-up area boundary except where it is in accordance with development plan policies in respect of the countryside.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the conflict between the BUAB's in the ALP and ANDP must be resolved in favour of the ALP as the most recent document.

Policies in the ANDP that relate to the supply of housing (including policy EH1) have reduced weight

because they relate to out of date housing needs as they were based on the policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan. The ANDP Review is a newer document and has a BUAB that reflects the Local Plan therefore the site would in the future be within the BUAB.

On this basis, the principle of residential development in this location is accepted despite the conflict with the current ANDP.

CHARACTER & DESIGN:

ALP policy D DM1 requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

ANDP policies H1, H3 & H9 are relevant. Policy H1 (proposed to be deleted by the emerging ANDP) requires housing to be of a high quality design that reflects the local character and reinforces local distinctiveness. Policy H3 states the density of development should be appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H9 requires certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses. The proposal does not show such features however, it is not considered that non-compliance with this policy should be considered to be sufficiently harmful so as to justify a refusal reason.

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." In addition, paragraphs 122, 130 and 131 are all relevant.

Para 122 states that planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account. Para 130 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Para 131 states that great weight should be given to innovation, high standards of design and sustainability measures so long as they fit in with the overall form and layout of their surroundings.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. The Council has emerging Design Guide which completed its initial consultation period, has been modified in response to the comments and will be subject to a further 4 week consultation period in accordance with regulations 12 & 35 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).

There is no objection to the replacement of the existing dwelling. This will have a slightly different front building line to the current situation but this will not harm the streetscene. The dwelling height is similar

to the existing and there is a mix of designs along Hook Street so this change will not be harmful to local character.

The remainder of the proposal is for 8 dwellings on land to the rear of (and connected to) an existing house. The proposal represents "backland development". Such development is generally perceived negatively and considered to be out of character with the existing form of development. However, backland development is not in principle inappropriate and in this case there are mitigating circumstances which prevent there being any harm to the character and appearance of the area.

Firstly, the presence of the new housing on land immediately to the north (also a backland development) establishes precedent for this form of development. There has been addition housing on Hook Lane such as the Metis Homes site to the north west. Secondly the new houses are to be at least 42m back from the edge of Hook Lane and although there will be a large gap where the access sits, visibility of the site will be limited by way of existing houses fronting Hook Lane and by way of new landscaping in the site, particularly that indicated on the proposed site plan as being either side of the access beyond the line of the existing houses.

The view into the site from the road will terminate with the front corner of plot 2. However, no objection was raised to the similar situation on previous applications and with the size/shape of this site, it is not considered that new houses in the site can be completely invisible from the highway or be orientated to front the highway. Whilst there will be visibility of the site from Hook Lane, it is not considered this would be so harmful as to warrant a refusal on grounds of character particularly considering housing development elsewhere on Hook Lane.

The new houses on site are appropriate in design and scale to the surrounding form of development. There is a concern regarding the stated materials (use of grey weatherboarding & blue slate) as these are not apparent elsewhere in the vicinity of the site and this may be considered to conflict with ANDP policy H1. Materials can be agreed at a later time through a condition. The site density at 19.5 dwellings per hectare is not excessive such that the scheme should be is overdevelopment particularly as the layout includes areas of communal amenity space particularly along the southern edge.

The site has one access point to be shared by cars and pedestrians. It is not possible to provide alternative pedestrian accesses as the site is landlocked on the east & south and access to the north would have to cross a ditch and would necessitate tree felling plus likely attract further objection from adjoining home owners.

The Parish Council consider the layout is dominated by car parking. This in itself does not suggest overdevelopment and the prevalence of parking spaces will not be visible from the Hook Lane streetscene. The addition of new trees by the landscaping scheme will green the layout and mitigate the visual impact of new hardstanding.

The proposal results in a change to the character of Hook Lane in this location but this change would not result in significant harm to the area and, in terms of density, character & design, the proposal would not conflict with the aforementioned development plan policies and policy guidance.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development

does not have a significantly negative impact upon residential amenity".

The Council has an emerging Design Guide which will, once adopted, provide guidance but due to its stage of preparation can only be attributed low weight. However, it does give an indication as to what might be acceptable separation distances between habitable rooms. These are:

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

Although it is noted that local residents in the adjacent development to the north are concerned about overlooking, the interface distance between dwellings on the two sites are in a range of 25-29m for rear to front and around 25m for rear to side. This accords with guidance in the emerging Design Guide.

The relationships with the dwellings along Hook Lane are acceptable as the flank of plot 2 will be 18m from the rear of the Springfields replacement dwelling (plot 1) and 29m from the first floor part of Tara. The front corner of plot 2 will be 22.5m from the rear corner of Little Acres. There are no houses affected to the east or south.

The access introduces noise and disturbance which could be harmful to the amenities of Little Acres, on the southern side. However, there will be a gap of 3m between the edge of the road & the windowless flank of Little Acres and it is considered that the 1.5-2m wide strip of land in this gap which is in the control of the applicant is sufficient to enable screen planting to be implemented to reduce noise disturbance and add visual screening.

It is not considered that the proposal would conflict with the aforementioned development plan policies and emerging policy guidance.

SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The following is a breakdown of the proposed homes and this demonstrates that there is no conflict with the internal space standard guidance.

Plot	Unit Type	Internal Space in m2	National Standard in m2
1	4 Bed, 7 Person, 2 Storey	156.2	115
2&3	2 Bed, 4 Person, 2 Storey	82.6	79
4&5	3 Bed, 6 Person, 2 Storey	104.6	102
6	4 Bed, 7 Person, 2 Storey	133.6	115
7	4 Bed, 7 Person, 2 Storey	130.1	115
8&9	4 Bed, 7 Person, 2 Storey	127.8	115

There are no policies in the ALP relating to garden sizes, however, the emerging Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth; and

- Private Front Garden: min. 2m depth.

All of the houses have front garden or parking areas which meet the requirement. The site plan indicates no apparent conflict with the garden depth requirements. This plan does not show the line of the ditch and as per the comments of our drainage engineer, the layout would need to account for this with no boundary treatments within 3m of the ditch banks. As set out elsewhere in this report, it is proposed to secure the necessary easements to the ditch through the discharge of the boundary treatments condition. It may be possible to use demountable fencing to secure boundaries whilst allowing future maintenance access (this approach has been used elsewhere in the district).

The line of the ditch and its respective banks are indicated on the preliminary drainage plan. Using this it is possible to approximately calculate garden depths should it not be possible to use demountable fencing and instead have a rear boundary set 3m back from the ditch. This would mean that plots 4 & 5 would both be only approximately 10m deep, plot 6 would be approximately 6.5m deep and plot 7 approximately 8.5m deep.

This potential scenario would therefore result in a shortfall to plots 6 & 7. In both cases the gardens are very wide (10m for plot 6 / 12m for plot 7) and there will remain a decent amount of rear garden space. Furthermore the interface standards to existing houses to the north exceed the requirements, therefore the required garden depths are not required to maintain privacy levels. Whilst plot 8 backs onto the ditch, its rear garden is to the east and is 11m deep. It is its side garden that extends to the ditch line and so the depth of this would not be a concern.

Even the rear gardens of plots 4-7 need to be shortened, the scheme will provide a decent standard of amenity for future occupiers and there is no conflict with any adopted development plan policy.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promote sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". Policy T DM1 requires that development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires new development to be located in places accessible to public and community transport. ANDP policy GA3 requires that parking be provided in accordance with the standards adopted at the time.

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

The Highway Authority do not object. Although not stated in their comments this time around, on AL/51/19/PL, they considered likely trip generation to be low (and the development would not have a severe impact on the highway). They previously stated the access configuration is safe. On this application they confirmed larger vehicles can enter & exit in a forward gear.

The site is in the built-up area boundary as per the Arun Local Plan and is in walking distance of a shop, pub, primary school & bus stops on Westergate Street to the east. These can be reached via Hook Lane (to the south & east) or by the footpath which runs along the north boundary of the adjacent development (which would be accessed by walking up Hook Lane to the north & then east onto the footpath). The proposal accords with policies T DM1 & T SP1 of the ALP, ANDP policy GA1 and with the guidance on highway safety within the NPPF.

The Parking Standards Supplementary Planning Document sets out a need for 23 allocated parking spaces (2 spaces per 2/3 bed dwellings & 3 spaces per 4 bed dwelling) and at least 2 visitor spaces (25 in total). The proposal includes 22.5 allocated spaces (with the 0.5 as a result of plot 1's garage being considered as half a space) and 7 visitor spaces - a total of 29.5. The surplus of visitor spaces does increase the amount of hardstanding in the streetscene but means there should be no risk of parking spilling out onto Hook Lane and therefore benefits highway safety in this semi-rural area.

The proposal accords with ALP policies T SP1 & T DM1, ANDP policies GA1 & GA3 and with the Parking Standards SPD.

TREES:

ALP policy ENV DM4 states that:

"Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

ANDP policy EH6 states that development that damages or results in the loss of trees of arboricultural and amenity value will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss.

Paragraph 170 (b) of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The application proposes to remove a small honeysuckle hedge (approximately 3.3m long & 0.4m wide) to create the access. A small Hazel hedge in the north western corner (rear of Tara) will be removed. These are both 8-9m long. The application proposes to remove 12 trees, two are being of moderate quality (category B). These are trees T24 and T29 being Monterey Cypresses (16/17m high) located in the SW and SE corners which have high amenity value in the context of the local landscape but are not

considered worthy of Tree Preservation Orders.

The previous two applications were refused primarily as a result of objections from the Council's Tree Officer either due to the site layout or the amount of development. On this application, although the Tree Officer retains some concerns, the overall stand point is that the proposal can be implemented by retaining the majority of large evergreen trees along the northern and eastern boundaries which have the most landscape value. This position therefore allows for a positive recommendation.

In response to ALP policy ENV DM4 & ANDP policy EH6, the proposed removal of trees is for the most part to be in the interests of good arboricultural practice and will enhance the survival and growth prospects of other trees. The exceptions being T24 & T29. The proposal contributes 8 dwellings to the Council's current housing land supply shortfall in a sustainable location. This benefit outweighs the loss of T24 and T29. The retained trees including the TPO Oak (T23) on the east boundary are all sufficiently respected and protected from development.

Plots 2-7 have north facing gardens with trees at the end of these gardens and that this may increase the likelihood of future pressure to prune or fell. These plots have sufficient private amenity space and the gardens will not be shaded by the trees and will still be afforded day light when the sun is in the east or west. The impact of tree loss on biodiversity will be considered below.

It is considered that the proposal now complies with ALP policy ENV DM5 and ANDP policy EH6.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

ANDP policy EH6 states that development proposals must be designed to incorporate biodiversity and enhance ecological networks in order to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The application is accompanied by a Preliminary Ecological Appraisal Report and a Reptile Survey Report. These documents were assessed by the Council's ecologist who does not object subject to conditions to secure various protection, mitigation and enhancement measures. The ecologist states the site hedgerows are used by bats and should be retained. The scheme proposes to remove two small standalone hedges (H01 & H03). These are at the west end of the site close to the road/existing homes and subject to human disturbance. Their short length limits their value as bat commuting routes. The most important hedge (interspersed with trees) on the north boundary is to be retained. Natural England's comments are outstanding and any response will be reported at the Meeting.

The ecologist does not comment specifically on whether the development secures a net gain in

biodiversity. The majority of the site is grassland and the ecologist's suggested mitigation/enhancement measures will comprise of two trees for every one felled, gaps in hedgerows filled with native species, wildlife pond, wildflower meadow planting to amenity areas, Bat & bird boxes, grassed areas managed to benefit reptiles, log piles and gaps in fences to allow small mammals access.

The submitted Preliminary Ecological Appraisal advises "the proposed enhancements would result in biodiversity gains in accordance with national and local planning policy". The applicant provided an ecological enhancement plan which indicates the location of rough grassland, the strengthening of landscaping, bird/bat boxes, hedgehog houses & fence holes and log piles.

It is acknowledged the proposal results in the loss of trees including two of moderate quality and two sections of hedge. The Council's ecologist requested that any trees lost are replanted on a 2 for 1 basis (24 new trees). The Tree Officer asked that any planting scheme is dominated by native tree species of potential stature.

The applicant indicated new tree planting on the proposed site plan suggesting 29 new trees will be planted along with sections of new hedge. The full detail of the trees and hedges would be secured by a landscaping condition and will be assessed at the condition discharge stage. The standard condition wording has been amended to require at least 24 new native trees to include specimens that will potentially grow to 15m high.

It is not possible to say for certain that there will be a biodiversity net gain as this is dependent on the new trees/hedgerows being secured through the detail of the post approval landscaping scheme. It is likely that the applicant will be able to provide new trees and hedges to offset the loss and that this together with the other enhancement measures will result in an overall biodiversity net gain. Therefore, the proposal is considered to comply with the NPPF para 175 and with ALP policy ENV DM5.

FLOODING & DRAINAGE:

The site is not in any Environment Agency flood zones (for flooding from rivers or sea) and is not shown on Council records to be at high risk of surface water flooding. It is shown to be susceptible to groundwater flooding (greater than 75% risk) although this is the same for all surrounding land and further afield in the local area (Aldingbourne, Westergate & Eastergate).

ALP policy W DM2 (Flood Risk) is relevant to development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA). This site is included on the groundwater maps in the SFRA but not in the EA maps therefore is not covered by the policy.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process."

ANDP policy EH5 states that new proposals must not give rise to additional risk of flooding, either to the development site and must make appropriate provision for accommodating the surface water and foul water arising from the development.

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development in this area must be accompanied by a Drainage Impact Assessment that must take account of both the individual and cumulative impact upon foul water disposal; flood storage capacity and

surface water drainage or flood flows in the Lidsey Wastewater Treatment Works Catchment Area.

A Drainage Impact Assessment has not been provided however it should be noted that the Councils planning application validation list only requires a Lidsey Foul Water Environmental Assessment Statement in cases where non-mains drainage is proposed and this application proposes a connection to mains drainage. It is noted that Southern Water do not object and are content that foul drainage be agreed through a condition. Although there is conflict with policy W DM1, it is not considered that a refusal on this matter could be justified.

The Councils drainage engineers raise no objection to the principle of the development and are confident the applicant will be able to determine a suitable surface water drainage strategy in the proposed layout. There is no agreement to the preliminary drainage layout as presented and the drainage scheme will need to be agreed through the discharge of conditions. In the absence of any in principle objections to the surface water drainage of the site, it has to be concluded that the proposal is in accordance with ALP policy W DM3 and with ANDP policy EH5.

ARCHAEOLOGY:

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

The Councils Archaeologist has considered the proposal and states that an archaeological investigation of the adjacent development site in 2017 revealed a complex of pits, postholes, ring-ditches and boundary ditches representative of later prehistoric settlement and agricultural management. The Archaeologist states that it is likely the application site will contain similar features whose significance might merit preservation, so it would be appropriate to require that it be investigated by trial trenching ahead of development in order that measures to ensure appropriate preservation might then be put in place. It is advised that this can be secured by a planning condition.

The omission of a desk based archaeological assessment means that there is conflict with policy HER DM6. However, the weight to this is lessened due to the non-objection of the Councils Archaeologist.

SUMMARY:

There is a minor conflict with the development plan concerning the omission of both the Drainage Impact Assessment and desk based archaeological assessment but otherwise this proposal can be developed without harm to the character of the area, the amenities of existing & future residents to trees of high amenity value or to safety & convenience of the local highway.

Notwithstanding the site's location in the BUAB, the proposal represents sustainable development. It is vital to consider additional sustainable housing developments to contribute to housing land supply and maintain/improve housing delivery rates.

There are no other issues as highlighted above which warrant a refusal and the proposal is therefore recommended for approval subject to the following 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £125,100 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). The Parish Council would receive a 25% share of this money (£31,275) albeit subject to whether any relief is claimed.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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:

1186/DP101 Rev 01 "Location Plan";
1186/DP102 Rev 01 "Proposed Block Plan";*
1186/DP103 Rev 01 "Proposed Context Plan";*
1186/DP104 Rev 01 "Proposed Site Plan";*
1186/DP105 Rev 01 "Plot 1 Floor Plans";
1186/DP106 Rev 01 "Plot 1 Elevations";
1186/DP107 Rev 01 "Plot 2 and 3 Floor Plans";
1186/DP108 Rev 01 "Plot 2 and 3 Elevations";
1186/DP109 Rev 01 "Plot 4 and 5 Floor Plans";
1186/DP110 Rev 01 "Plot 4 and 5 Elevations";

1186/DP111 Rev 01 "Plot 6 Floor Plans"
 1186/DP112 Rev 01 "Plot 6 Elevations";
 1186/DP113 Rev 01 "Plot 7 Floor Plans";
 1186/DP114 Rev 01 "Plot 7 Elevations";
 1186/DP116 Rev 01 "Plot 8 Floor Plans (Plot 9 Similar Handed)";
 1186/DP117 Rev 01 "Ecology Enhancement Plan";*
 1186/DP118 Rev 01 "Plot 8 Elevations (Plot 9 Similar Handed)";
 MBSK200921-03 Rev P1 "Swept Path Analysis - Large Refuse Entering/Exiting Site"; and
 MBSK200921-04 Rev P1 "Swept Path Analysis - Large Refuse Turning on Site".

The plans marked with an * are not approved in respect of the indicated boundary lines within 3m of the banks of the ditch along the northern boundary.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1, ENV DM5, QE SP1 and D DM1 of the Arun Local Plan.

- 3 The development must be carried out in accordance with section 6.0 of the "Reptile Survey Report" (ref LLD1680-ECO-REP-002 Rev 00) and the "Ecology Enhancement Plan" (drawing 1186/DP117 Rev 01). The enhancements and mitigation measures described in the two documents shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

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

- 4 All activity at the site is to be carried out in strict accordance with the "Arboricultural Impact Assessment and Method Statement", ref. LLD1680-ARB-REP-001, Rev 04, 29 September 2020.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 5 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the "Tree Retention and Protection Plan", dwg.no. LLD1680-ARB-DWG-002, Rev 08.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

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

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

- 7 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 archaeological significance in accordance with Policy HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 8 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

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

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

- 9 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. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 10 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.

- 11 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 12 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.

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

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because levels need to be checked before any initial laying of house foundations takes place.

- 14 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings 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 visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 15 No development above damp proof course (DPC) level shall take place until details of all new screen walls and fences have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such screen walls/fences associated with them have been erected. The submission of such details shall include an up-to-date survey of the ditch running along the northern boundary to take account of recent works to it as undertaken by Barratt David Wilson in respect of the adjacent site; and also the measures required to ensure 3m easements from the opposing banks of this ditch and the provision of vehicular access for maintenance including the use of demountable fencing or gates where appropriate.

Reason: In the interests of amenity, privacy and the long term maintenance of the northern boundary ditch in accordance with policies D DM1 and W DM3 of the Arun Local Plan.

- 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 landscaping scheme should include at least 24 new native trees to include specimens that will potentially grow to greater than 15m high. 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 policy D DM1 of the Arun Local Plan.

- 17 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 Proposed Site Plan and numbered 1186/DP04 Rev 01.

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

- 18 None of the houses shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order 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.

- 19 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

- 20 No part of the development shall be first occupied until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto Hook 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 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 21 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 consider the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 22 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved

details and the charge points shall thereafter be permanently retained and maintained in good working condition.

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

- 23 No part of the development shall be first occupied until the vehicle parking (including the garages) and turning spaces have been constructed in accordance with the approved "Proposed Site Plan" (ref 1186/DP04 Rev 01). The garages and car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 24 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice including policy ENV DM4 of the Arun Local Plan.

- 25 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows, and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- 26 All bathroom and toilet windows hereby approved shall be glazed with obscured glass and permanently retained thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 27 No windows (other than those shown on the plans hereby approved) shall be constructed in the first-floor flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance

with policies D DM1 and QE SP1 of the Arun Local Plan.

- 28 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.
- 29 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 30 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 31 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc.) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 32 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls, and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 33 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.
- 34 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10-year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100-year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided

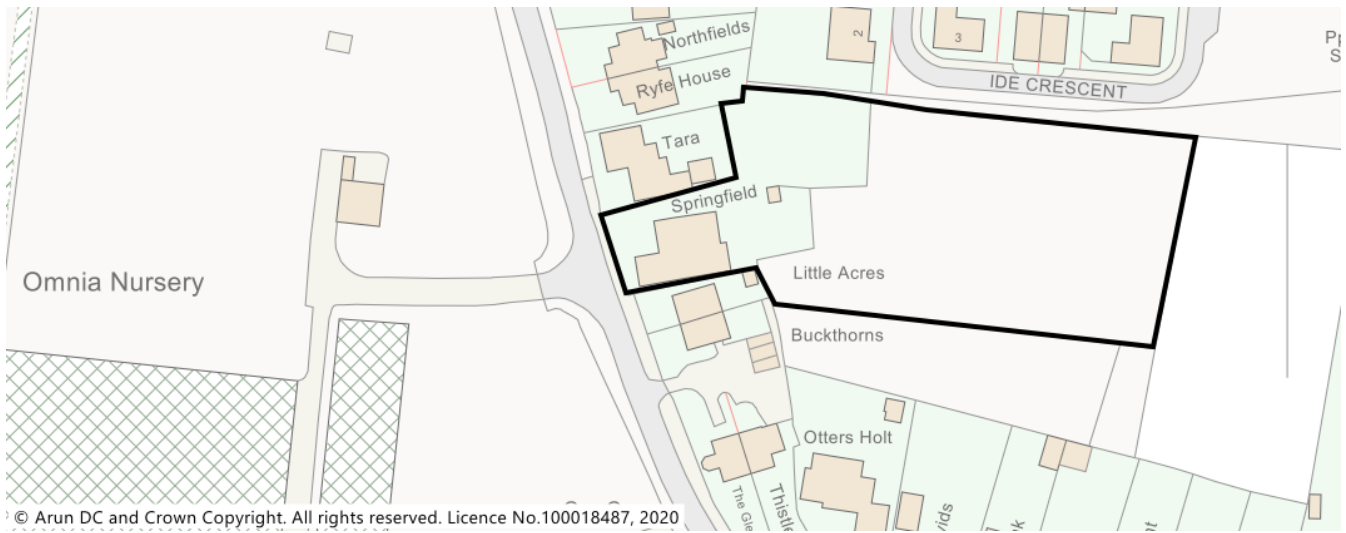
between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 35 INFORMATIVE: The applicant and the future homeowners of plots 2-8 are reminded of the need to allow access to the ditch running along the northern boundary for the purposes of maintaining the flow of water. These riparian responsibilities are set out in the Public Health Act 1936, the Land Drainage Acts of 1991 & 1994 (as amended by the Flood & Water Management Act 2010), the Water Resources Act 1991 and in Arun's own Local Drainage Byelaws. Please refer to our website here for more information: <https://www.arun.gov.uk/watercourses-riparian-responsibilities>.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

AL/64/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BN/50/20/PL

LOCATION: Land west of Fontwell Avenue
Fontwell Avenue
Eastergate
PO20 3RX

PROPOSAL: Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

42 dwellings consisting of 4 x 1 bed, 12 x 2 bed, 22 x 3 bed and 4 x 4 bed. 13 will be affordable homes. Included in the mix are 4 flats (in a two storey block) and 4 "Flat over Garage" (FOG) dwellings.

The site has a new vehicular access on the Fontwell Avenue frontage. This and the visibility splays require the removal of 13 category B trees and the hedgerow on Fontwell Avenue. A new section of footway will run south of the vehicular access and allow pedestrians to cross Fontwell Avenue via a new crossing island to the footway on the other side. Fontwell Avenue will be widened (using land on the west side of the road) to accommodate a new southbound right turn lane and the pedestrian island. There will be a pedestrian access to Level Mare Lane to the north (in the same position as the existing unmade vehicular access).

A small section of non-native hedgerow is also to be removed on the southern boundary due to the need for parking spaces. This and the other tree loss will be compensated for with tree planting and new native hedge and shrub planting on site boundaries. The layout includes 3,471m² of Public Open Space (POS) to include landscaping and play areas.

Parking is in the form of 70 allocated spaces including 6 car ports and then 16 allocated garage spaces and 9 unallocated visitor spaces. Cycle stores are not shown so will be subject to a condition (albeit that the 22 garage spaces are of the required dimensions to allow for cycle storage).

Two communal bin stores are shown but there are no elevations so will be covered by condition. Boundaries are to be a mix of timber fencing/brick walls as indicated by the plan in the Design & Access Statement. Hard surfacing is

permeable block paving, tarmac, concrete slab paving & resin bound gravel. Lighting is in the form of 4m and 6m column lights, details will be subject to a condition.

The Design & Access Statement refers to materials being predominantly red stock brick with plain clay tiles and painted brick on key buildings and some reconstituted slate roofing & weatherboarding.

SITE AREA	1.85 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	22.7 dwellings per hectare.
TOPOGRAPHY	The land gently slopes from Level Mare Lane (circa 18.6m AOD in the North-west corner down to Fontwell Avenue in the South-east at 16.3m AOD). Over a distance of some 195m this results in an approximate gradient of 1:85.
TREES	There are significant trees on boundaries but only 3 small trees in the site. The proposals protect and retain trees on the west side of the site (off-site), to the north boundary and in the south east corner.
BOUNDARY TREATMENT	2m high hedges/significant tree planting to the boundaries. The south boundary has wire fencing and a 4m high section of non-native hedge. The site also has electric fences within it as associated with the equestrian use.
SITE CHARACTERISTICS	The site comprises agricultural land currently grazed by horses in association with a private stables and manege at 1 Northfield Cottages. The site has an unmade vehicle access from Level Mare Lane on the northern boundary. There is an enclosed substation on the north boundary. Part of the site at the south end includes a section of a storage shed and metal containers.
CHARACTER OF LOCALITY	<p>Rural in character with very few neighbouring residential properties. The area is not densely populated and is largely characterised by open agricultural land and fallow fields, some in equine use.</p> <p>To the south is 1 Northfield Cottages with its own stable buildings, manege, large car park and ancillary buildings. Beyond this is 2 Northfields Cottages, a dwelling. To the west lies open fields. To the North, beyond Level Mare Lane is more open land including parts of the racecourse. To the east on the opposite side of Fontwell Avenue lies a mix of open land and dwellings.</p> <p>The nearest dwellings are too far away such that there is no need to describe facing windows.</p>

PLANNING HISTORY:

This site was subject to two pre-application enquiries in November 2017 for 52 dwellings and in October 2018 for 32 dwellings. Both were considered inappropriate although this was largely as a result of the

Council being able (at that time) to demonstrate a 5-year Housing Land Supply.

REPRESENTATIONS

Barnham & Eastergate Parish Council object for the following reasons:

- (1) Application is premature as site was to be considered in Neighbourhood Plan Review;
- (2) Site is affected by flooding on the east side of the site;
- (3) Loss of trees and hedgerow;
- (4) No provision for access to public transport;
- (5) No provision for extensions to the footpath and cycle path network;
- (6) No land allocated for allotments; and
- (7) Breaches NP policy H3 in respect of % of 1 & 2 bedrooms.

Walberton Parish Council have objected on the grounds that:

- (a) Outside the BUAB and not allocated in the Development Plan;
- (b) Loss of agricultural land;
- (c) Loss of hedges and trees;
- (d) More information required as to biodiversity net gain;
- (e) Bats may be harmed;
- (f) Developer is capitalising on the impact of Covid-19 on the housing land supply;
- (g) Application is misleading in respect of HELAA reference and this should be afforded low weight;
- (h) Traffic safety issues with the new access;
- (i) Insufficient parking provision;
- (j) The Travel Plan is unsatisfactory;
- (k) Unsustainable location for development;
- (l) No provision for extra infrastructure;
- (m) Increased surface water runoff causing flooding elsewhere;
- (n) Southern Water have not responded regarding foul drainage; and
- (o) Lack of pre-submission public consultation.

21 letters of objection raising the following issues:

- (1) Site is not allocated in the Development Plan;
- (2) Increased traffic on A29 Fontwell Avenue;
- (3) No provision for extra infrastructure;
- (4) Loss of agricultural land;
- (5) Housing density is out of character;
- (6) Flooding;
- (7) Bus timetable provided in the supporting timetables is incorrect;
- (8) Harm to wildlife including bats, reptiles, birds, butterflies;
- (9) Unsustainable location - occupiers will not walk anywhere and instead just use cars;
- (10) Unconnected form of development;
- (11) Unfair ADC only accept comments online particularly as lack of newspaper coverage due to Covid;
- (12) Insufficient number of yellow notices;
- (13) Footway on eastern side of Fontwell Avenue is not wide enough;
- (14) Harm to rural character of Fontwell Avenue;
- (15) Loss of trees and vegetation;
- (16) Overlooking of houses on the opposite side of Fontwell Avenue; and
- (17) The HELAA should be afforded low weight.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the Barnham & Eastergate Parish Council objection:

- (1), (2), (3) and (4) are considered in the report conclusions;
- (5) It is not appropriate to require new foot or cycleway on the site frontage as there is nothing to the north or south that this would link to;
- (6) The Arun Open Space SPD requires contributions for allotment provision on sites of 52 dwellings or more therefore there is no requirement to make such provision on this site; and
- (7) Policy H3 states no more than 25% of dwellings should have 1 or 2 bedrooms whereas this development proposes 38%. This conflict will be discussed in the conclusions.

The applicant has made the following points in response:

- As part of the Neighbourhood Plan review, a site assessment report was produced on behalf of the Barnham and Eastergate Neighbourhood Plan Team and this considers the site to be "suitable for further consideration";
- It was not possible to agree with WSCC Highways to take access from Level Mare Lane therefore no way of avoiding the tree loss. This will be compensated by higher quality trees and hedgerow specimens;
- The site is sustainably located with facilities in walking distance and there is a bus stop on the opposite side of Fontwell Avenue;
- Proposal includes new pedestrian provision through the site from Fontwell Avenue/Level Mare Lane;
- Within the central POS, the planting scheme will include areas of edible varieties, including orchard species, berries and herb spices which can be picked by local residents; and
- Policy H3 is superseded by the more up-to-date Local Plan.

The following comments are offered in response to the Walberton Parish Council objection:

- (a), (b), (c), (g), (h), (j), (k) and (m) are considered in the report conclusions;
- (d) The applicant has provided an Ecology Enhancement Plan and accompanying specification and this has been accepted by our ecologist;
- (e) The proposal has been subject to wildlife surveys which have been appraised by the Council's ecologist who raises no objection subject to conditions;
- (f) Covid-19 is likely to have an impact on the Council's Housing Land Supply situation;
- (i) The Travel Plan has been agreed by WSCC Highways;
- (l) The application will be subject to a CIL contribution which will be used to fund infrastructure improvements. This is considered further in the report conclusions;
- (m) Flooding & drainage are considered in the report conclusions;
- (n) Southern Water commented on the 18th June 2020; and
- (o) There is no formal requirement to carry out pre-submission public consultation.

The following comments are offered in response to the resident objections:

- (1) - (4), (6), (8), (9), (14), (15) & (17) Refer to above responses;
- (5) Character and density are considered in the report conclusions;
- (7) The timetable can be easily checked online;
- (10) It is accepted that the development will not be connected to existing housing developments;
- (11) Noted;
- (12) 5 site notices were posted on Fontwell Avenue and 1 on Level Mare Lane;
- (13) It is accepted that it is of limited width;
- (16) Overlooking is considered in the report conclusions however the Council's standards require 21m

between two storey houses and the distance between the new dwellings and those on the opposite side of Fontwell Avenue is at worst, 26m.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to conditions covering drainage (no infiltration to ground unless approved) contamination and foundation types.

HIGHWAYS ENGLAND - no objection on the basis that the application make an appropriate contribution to the A27 mitigations agreed in the adopted Arun Local Plan.

NATURAL ENGLAND - no objection

SOUTHERN WATER - no objection subject to condition and an informative.

SOUTH DOWNS NATIONAL PARK AUTHORITY - no objection. State that:

- The site is some distance from the South Downs National park and we have no comments to make in terms of direct landscape or visual impacts;
- Matters relating to biodiversity, dark night skies, and loss of minerals resources do potentially have impacts upon the SDNP or its setting;
- Development of the site would entail the removal of a section of hedgerow and young trees in order to create safe visibility splays. If this is essential, then these should be replaced by native hedgerow and tree species and a net gain in biodiversity should be secured;
- Lighting outside of the SDNPA can have a negative impact within it and a condition should be imposed to control the details of lighting.

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

WSCC DRAINAGE & FLOOD RISK - no objection. State that:

- Current surface water mapping shows that the proposed site is at low risk from surface water flooding although the adjacent carriageway is shown to be at higher risk;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- The potential for ground water contamination within a source protection zone has not been considered by the LLFA;
- No ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the site.

WSCC MINERALS & WASTE - no objection with the following comments:

- The site is located in an identified safeguarding area for Sharp Sand and Gravel and the proposed development would sterilise the mineral resource;
- The supplied Mineral Resource Assessment concludes that sand and gravel underlying the site has a high clay content, would require considerable processing, and thus is of a poor quality/unattractive for use by the mineral industry;
- It suggests that any substantive prior extraction of the mineral would require backfilling, which would likely render the site unsuitable for the proposed non-mineral development;

- Given the limited quantity of the resource at the site (<50,000 Tonnes), limited size of site that could not support the required processing infrastructure (<2ha), and poor quality of the material (high clay content), prior extraction is unlikely to be practicable;
- ADC need to be satisfied that there is an overriding need for the non-mineral development that outweighs the safeguarded resource as per Policy M9 (b) (iii) of the Joint Minerals Local Plan (2018);
- The site is in 350m of a safeguarded scrap vehicle waste site and ADC should be satisfied that the development would not prevent or prejudice the operation of this existing waste infrastructure as per Policy W2 of the West Sussex Waste Local Plan (2014); and
- ADC should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste.

WSCC HIGHWAYS - no objection subject to conditions. Comment that:

- In comments dated 29/07/20, requested further clarification and detail on the submitted Departure from Standard forms and that the proposed garage dimensions be enlarged to meet 3m by 6m.
- These forms have now been submitted and the garages amended.
- The revised forms now refer to DMRB CD 123 Rev 1 and traffic flows have been clarified as per day. It was also clarified that 85th percentile vehicle speeds at the time of the speed survey were a mixture of dry and wet weather and that the access has been designed to design speed of 70kph whereas the surveys revealed mixed weather speeds of 66kph;
- These forms have been fully reviewed by the WSCC Highway Design;
- It is considered that robust design & visibility parameters have been applied;
- More information has been submitted in terms of mitigation/compensatory measures; and
- The proposal will not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

PORTSMOUTH WATER - no objection provided that all requested conditions (surface water drainage, foul drainage, construction management plan & no piled foundations) are imposed. Comment that:

- The site lies 151m south of a potable abstraction owned by Portsmouth Water and is located within the Source Protection Zone 1c (SPZ1c) for this Public Water Supply Source;
- Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source; and
- All measures to prevent pollution during and post construction are required in order to safeguard the local public water supply.

ADC DRAINAGE ENGINEERS - Advise no objection with standard pre-commencement conditions. Comment that:

- As the site lies in a source protection zone, infiltration to ground may not be possible and any discharge will need to be treated first;
- There are current issues with the drainage scheme, for example the lack of sufficient cover depth over soakaways;
- The applicant made improvements and the detail can now be left to pre-commencement conditions;
- Portsmouth Water and the Environment Agency will need to review the final drainage strategy prior to approval as a result of the source protection zone and the proximity of potable water abstraction borehole; and
- Should the applicant not accept these conditions we would object to and recommend refusal.

ADC HOUSING STRATEGY & ENABLING MANAGER - requires the 13 affordable dwellings be secured by S106 Legal Agreement with a tenure split of 75% rented/25% intermediate housing. The mix should be: 3 x 1 bed, 5 x 2 bed, 2 x 3 bed (rented) and 1 x 1 bed, 1 x 2 bed, 1 x 3 bed (intermediate).

ADC ENVIRONMENTAL HEALTH - no objection. Request conditions on noise/odour pollution, air quality, electric vehicle charge points, construction management, contamination and lighting.

ADC TREE OFFICER - No objection subject to conditions. Comment that:

- There are a number of minor anomalies with this latest tree protection plan (TPP) which is understandable given the amount of information illustrated upon it;
- These anomalies relate to the position of tree protection fencing, which in several locations are impractical and will inevitably lead to RPA incursion - albeit to a tolerable extent;
- The promotion of manual excavation zones within an RPA during construction of footway or roadway is somewhat disingenuous and lacks in a plan B if substantial roots are found;
- Concerned that the position of manhole covers/new sewer connection in the vicinity of T9-T11 differs between that shown on the latest TPP and the Drainage Layout;
- Finds the provision of arboricultural information (notably the TPP) to be adequate but not wholly satisfactory;
- The extent of damage to retained trees is likely to exceed that which is aspired to, although adequate mitigation will be provided in the form of new tree planting; and
- Is generally relieved to see adequate respect and protection for the most important trees growing west & north of the development.

ADC LANDSCAPE OFFICER - no objection on landscape/open space grounds. Request a landscape condition. Note no details of drainage and state these should not be considered in POS areas.

COUNCIL ECOLOGIST - no objection subject to conditions to secure retention/enhancement of hedges, protection of retained hedges during construction, secure details of the lighting scheme, protection of badgers during construction, protection of birds nests and wildlife enhancement measures.

COUNCIL ARCHAEOLOGIST - no objection subject to condition. There is some potential for archaeological interest of local significance in the development area and adverse impact on it could be mitigated through the implementation of an appropriate scheme of archaeological investigation.

THE GARDENS TRUST - no objection and no conditions. State the site is a considerable distance away from the registered area of Denmans Garden and the intervening field and road boundaries are strong with mature trees. Denmans Garden itself has similar screening on its eastern margin. Hence the proposals are unlikely to affect the significance of Denmans Garden.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - Highways England have been advised that this contribution cannot be secured through a Section 106 and they instead need to bid for monies from the CIL collected. As per the Highways England response it is not necessary to notify the Secretary of State of any decision that does not include such a contribution.

ADC DRAINAGE ENGINEER - The applicant has agreed to the standard drainage condition no. 10.

ADC LANDSCAPE OFFICER / TREE OFFICER - The lack of drainage detail is noted but can be agreed through a condition and if the applicant is unable to provide a scheme that does not take away POS space then it will not be possible to discharge the condition and the applicant may instead need to resubmit the application to re-agree the layout.

COUNCILS ECOLOGIST - It is not possible to impose a condition to protect birds nests as this is covered

by separate legislation and would therefore fail to meet the 6 tests as per para 55 of the NPPF.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);

CIL Zone 3;

Area of Special Control of Adverts;

WSSC Mineral Consultation Area (Sharp Sand & Gravel);

Part within 500m of WSSC Waste Consultation Area (Sussex Recovery Centre, Fontwell Avenue);

Part within the Lidsey Treatment Catchment Area (eastern edge of the site);

Within 12km of Singleton & Cocking Tunnels SAC;

(Water) Source Protection Zone; and

Part 1:1000 year Surface Water Flood Zone (eastern edge of the site opposite Wandleys Lane junction).

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
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
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment

SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

Joint West Sussex M9 Safeguarding Minerals

West Sussex Waste Local Plan 2014:

West Sussex W2 Safeguarding Waste Management Sites

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES1

Applications for new development must meet the local drainage requirements

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 ES8

Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES10

Trees and hedgerows

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES11

Energy efficiency of new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA1

Connection to sustainable transport

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 H2

Windfall sites

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H3

Housing mix

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
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

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
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. The relevant policies of the Barnham and Eastergate Neighbourhood Development Plan are considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

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

The proposal conflicts with the relevant development plan policies in that it would result in development outside of the defined settlement boundary in the Arun Local Plan and is not a small scale development so does not comply with the Barnham and Eastergate Neighbourhood Development Plan. In addition, there is conflict with the Council's soils policy.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are detailed in the Conclusions section below.

CONCLUSIONS

PRINCIPLE:

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

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

Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). Policies in the BENDP that relate to the supply of housing (H2) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

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

The Arun Local Plan:

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

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". However, it is no longer planned to prepare such a document and instead the Local Plan will be subject to a formal review. Barnham and Eastergate Parish are however working on a review of their Neighbourhood Plan.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure

development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is rural in character and is roughly equidistant between the edge of the Eastergate BUAB to the south west (210m) and a large site known as "East of Fontwell Avenue" to the north east (280m). The latter has outline permission for 400 homes, up to 500m² of retail/community space, 5000m² of light industrial floorspace, public open space, play areas and allotments. This site will provide residential occupiers in the area with additional shops/facilities & places of employment thus potentially reducing car based journeys.

The applicant has provided a diagram in their Design & Access Statement which demonstrates that within a 800m (10min) walking distance of the site are bus stops, a shop/post office and a doctors surgery. In addition, there are bus stops within a 500m (6min) walking distance. There are further facilities in a 15 or 20min walking distance.

Whilst the private car could be required for longer distances, residents would not need to rely on a car for local journeys. The proposal includes a Travel Plan which is designed to encourage site users to travel by sustainable modes. Residents would be provided with a free £150 voucher towards cycling equipment/bus passes to be funded by the applicant.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposal. As this site lies outside the nearest BUAB it is categorised as being in the countryside and the scheme conflicts with ALP policy C SP1.

Barnham and Eastergate Neighbourhood Development Plan (BENDP):

The BENDP was made in July 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The BENDP does not set a built up area boundary and policy H2 simply states that "Permission will be granted for small residential developments on infill and redevelopment sites within the parishes subject to the policies of this plan being met." The policy does not define what is considered small but in the context of the size of the site/number of units and the surrounding low density built form & semi-rural environment, it is not considered that this proposal would be considered small-scale. For this reason, it would be considered to conflict with policy H2.

The National Planning Policy Framework (NPPF):

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

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii)

test will be applied at the end of this report.

Other Material Considerations:

The following is a discussion of material considerations which may indicate that the proposal should be determined other than in accordance with the development plan.

On 12 February 2020 in respect of appeal APP/C3810/W/19/3236911, a Planning Inspector stated that the Authority was only able to demonstrate a 2.9 years HLS. The Council is of the view that its AMR evidence is robust but that needs improvement. The Council is of the view that this will be more concise and transparent via signed Statements of Common Ground for Strategic Allocations and the authority is pursuing this. In the interim, the position on the 5 year HLS remains at 2.9 years as determined by this appeal.

The Council will update its position in December 2020. The Council needs to consider the effects of Covid-19 on the economy and housing market and it is not likely that the Council will be able to demonstrate a 5 year HLS by December.

In February 2020 (a day after receipt of the above appeal), the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The above appeal position reflects this buffer.

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help to maintain delivery rates and this may have to include sites outside the built up area boundary. It would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

This site (NEWEG2) is shown in the 2019 HELAA and considered to be available and suitable in principle for future housing potential, possibly in conjunction with adjacent sites, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints.

It should also be noted that the current housing land supply target set out within the ALP includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (NSS-DPD). The Council does not now intend to pursue this NSS-DPD and will instead be revising the Local Plan. However, this additional allocation remains relevant and may be higher in the future.

Conclusion on Matters of Principle:

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

This application should not be determined as being unacceptable in principle and the development of this

countryside site can be considered acceptable subject to assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

PREMATURITY

Paras 48-50 of the NPPF explain how the limited circumstances in which it may be justified to refuse an application on the basis that it is premature. In particular para 50 states "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or - in the case of a neighbourhood plan - before the end of the local planning authority publicity period on the draft plan."

There is currently public consultation taking place on the revised BENDP but it has not yet been submitted to Arun District Council for regulation 14 pre-submission consultation & publicity (which is the stage at which it should be referred to in reports as a material consideration) and on that basis, it is not considered that a refusal on grounds of prematurity can be justified at this time.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification Report which concludes that 97% of the site is Grade 3a (Good Quality) with the other 3% in non-agricultural use. Grade 3a is at the lowest end of the best & most versatile agricultural land classification. The site is not currently used for agriculture and historic aerial photography back to 2001 does not evidence any form of arable use. The applicant advised the owner has not used it for agricultural purposes in the last 43 years. Instead, it has been used for the grazing and exercise of horses.

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

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

It is considered that the need for this development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 3a agricultural land can be outweighed particularly as the land is at the lower end of the agricultural scale, the land is not currently used for agriculture and there is no realistic possibility of it being so used. This echoes the approach taken by the appeal Inspector concerning the site at Clays Farm.

The policy makes it clear that in order to outweigh the loss of the agricultural land, the criteria (a) to (c) should be met. In this case, the applicant was requested to provide reports to cover these criteria but instead wrote to argue that:

- The HLS deficit outweighs the loss of agricultural land;

- The site area that comprises agricultural land amounts to just 1.5 hectares which would not be able to support viable agricultural activities in isolation;
- Arun benefits from having a high proportion of land that falls within the best and most versatile (BMV) classification grades. According to Defra estimates, around 64% of agricultural land in the Arun District is best and most versatile (Grades 1, 2 and 3a) compared to around 42% nationally;
- The development of the site would represent an insignificant reduction in agricultural land area in overall terms, particularly as this site falls at the lowest end of BVM scale; and
- Regard should be had to the Clays Farm appeal decision.

Notwithstanding the arguments presented, the application conflicts with criteria (a) to (c) and the need for the development cannot be considered to override the loss of the land in the context of the policy.

Policy SO DM1 then states that if development is to be permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the site. The applicant has provided a Soil Resource Plan which outlines measures to remove topsoil, protect it, treat it and then reuse it in the development of the site (for public open space and gardens). This will be secured by condition 16.

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

MINERALS SAFEGUARDING:

The site is located in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan (2018). Policy M9 (b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (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 applicant provided a Mineral Resource Assessment and the Council has consulted with WSCC Minerals & Waste. Their comments are summarised in the consultations section. They do not consider that prior extraction is practicable and that the material is of a poor quality/unattractive for use by the mineral industry. It is considered that the proposal would comply with criteria (iii) of the policy as there is an overriding need for new residential land development to counter the Council's current HLS deficit.

WASTE SAFEGUARDING:

The site is located within 350m of a safeguarded scrap vehicle waste site defined by the West Sussex Waste Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The site in question is currently in use as a car salvage centre. The application site is a significant distance away and there are residential uses in between. It is not considered there will be any impact and therefore no conflict with this policy.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

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

The advice of WSCC Highways is summarised above and they are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Therefore, the proposal is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

Members may wish to note that the provision of an access onto Level Mare Lane was assessed and discussed at length with WSCC during pre-application discussions. At that time, WSCC were concerned over the suitability of the Level Mare Lane/A29 Fontwell Avenue junction, given the traffic already present on Level Mare Lane and the flows on the A29 Fontwell Avenue in this location, which will be increasing as part of the A29 realignment scheme.

During pre-application discussions, WSCC confirmed that they would not accept a net increase in trips at the Level Mare Lane/A29 Fontwell Avenue junction without the implementation of a right turn lane, given the flows on Level Mare Lane. Due to the extent of highway boundary land available it is not technically possible to widen the road to accommodate the improvements required to the Level Mare Lane/A29 Fontwell Avenue junction to provide a right turn lane. Therefore, access via the Level Mare Lane/A29 Fontwell Avenue junction is not acceptable in its current form.

The Council recently adopted a Parking Standards Supplementary Planning Document (SPD). This sets out a need for a total of 96 spaces (88 allocated & 8 visitor). The proposal is for 70 allocated parking spaces (including 6 car ports), 16 allocated garage spaces and 9 visitor spaces. As garages are treated as half a space each, the total provision is 87 and this is 9 short of the required total. The Parking Standards SPD allows for a 10% variation to be provided if a Travel Plan, travel incentive or public transport contribution is provided and there are no restrictions on where in the district this variation can be applied. The applicant provided a Travel Plan and new residents would be provided with a £150 voucher towards cycling equipment/bus passes. Therefore, a 10% reduction is acceptable and the proposal is therefore compliant with the policy (as it meets the requirement and indeed exceeds it by 0.6 spaces).

Policy GA4 of the BENDP states 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. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity."

ALP policies T SP1 & T DM1 require development to reduce the need to travel by car and give priority to pedestrian and cycle movements. As discussed elsewhere, this site is considered to be in an location

that means its occupiers will not be car reliant. Cycle storage spaces will be provided and a condition will be imposed to ensure this. To accord with Policy T SP1 of the Arun Local Plan, the Arun Parking Standards SPD requires 1 space for 1 & 2 bed houses and 2 spaces for 3+ bed houses.

The proposal is compliant with the development plan policies and the guidance on highway safety within the NPPF.

HERITAGE:

The site is around 600m from Denmans Garden which is a Grade II Listed Park/Garden of Special Historic Interest in England. This is a material consideration in the determination of this application and the Council must consider the impact on the landscapes special character.

The site is some distance from the Garden and there is intervening development & land in between including a large car park associated with Global Technologies Racing and Fontwell Park Racecourse. In addition, the northern boundary of the site onto Level Mare Lane is well screened by trees which are to remain. As such, the proposal is not considered to have any direct impact on the asset. There may be some indirect impacts if there is an increase in vehicle movements along Level Mare Lane, however, as the Level Mare Lane/A27 junction is not as attractive in road safety terms to the A29 roundabout (particularly in terms of getting onto the A27), it is not considered that any increase will be significant and therefore there will be no harm to the Grade II Listed Garden.

The Council has consulted with the Gardens Trust and they have not raised an objection.

HOUSING MIX:

ALP policy HDM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix housing by size and tenure for the District.

The proposed development comprises the following housing mix:

- 4 x 1 bed dwellings (10%);
- 12 x 2-bed dwellings (29%);
- 22 x 3-bed dwellings (51%);
- 4 x 4-bed dwellings (10%).

BENDP policy H3 states that no more than 25% of dwellings should have 1 or 2 bedrooms whereas this development proposes 39%. Policy H3 is therefore skewed towards the provision of larger houses and this is in conflict with the approach suggested by the more recent SHMA evidence. The mix is considered to accord with the SHMA approach and whilst there is conflict with policy H3 this has reduced

weight due to it being an older policy.

LANDSCAPE & TREES:

ALP policy D DM1 states that development is expected to incorporate existing and new tree planting as an integral part of proposals. LAN DM1 states "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas". D SP1 also requires development proposals to reflect the characteristics of the site and local area in their landscaping.

ALP policy ENV DM4 states "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

BENDP policy ES10 states: "Development that damages or results in the loss of ancient trees or trees or hedgerows of arboricultural and amenity value will not be supported. Development proposals must be designed to retain ancient trees or trees or hedgerows of good arboricultural and amenity value. A minimum buffer of at least 15 metres in width should be maintained between ancient woodland and any development boundary; Proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained; Plans for tree planting on new developments of more than 3 dwellings or commercial developments over 300 square metres must anticipate the effects of climate change."

The site is some distance from the South Downs National park and the Park Authority do not consider that there will be any impact on its landscape or visual amenity. The Councils Landscape Officer raises no objections in respect of landscape impact. The submission also includes a Landscape Visual Appraisal with Impact Statement which concludes that:

- The site is well related to the settlement of Fontwell;
- The site is enclosed to the north, west and east by hedgerows and tree belts beyond the site's boundary. This boundary limits the physical and visual connection to the adjacent road corridors;
- To the west, the site is bound by pastoral fields and built form associated with Northfields Farm;
- To the south the site is located adjacent to Northfields Cottages;
- Sensitive residential scale development within the site set within the retained and supplemented landscape framework would not significantly alter the character or amenity of the range of visual receptors;
- The development of this settlement fringe site forms a local extension to Fontwell;
- There are no significant overriding landscape constraints to the delivery of new homes on this site; and
- Whilst such delivery represents change, the change in is able to reflect the character of the local area.

The application proposes to remove 13 category B trees and a section of the existing hedgerow along Fontwell Avenue in order to facilitate the new access. The section of hedge to be removed is interspersed with Trees T11-T16 (T12-T16 are being removed) and is approximately 110m long and

2.1m wide. Additional non native, category B hedgerow is to be removed along the southern boundary due to the need to put in new parking spaces. This hedge is approximately 24.5m long and 2m wide.

The Tree Officer considers that that layout is positive in respect of there being no loss of or harm to the established trees to the northern and western boundaries. However, there is disappointment in terms of the loss of the trees along the Fontwell Avenue frontage and this can only be agreed on the basis that compensatory planting is significant. The Tree Officer advises that the proposal should be achievable in arboricultural terms with conditions but that he cannot fully support the proposal.

In respect of policies ENV DM4 and ES10, the proposal does not remove trees in the interests of good arboricultural practice or to enhance the survival & growth prospects of other trees. The loss of the category B trees is outweighed by the need for development to improve the Council's current housing land supply shortfall. None of the trees are considered to be ancient and none are currently protected. A number of new trees and hedges are proposed to off-set the loss of existing specimens and this is analysed in detail in the following section in respect of biodiversity net gain.

Overall, it is considered that the proposal is in accordance with ALP policies D DM1, LAN DM1, ENV DM4 and with BENDP policy ES10.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The application is accompanied by an Ecological Impact Assessment Report, an Ecological Enhancement Plan and an accompanying specification. The latter two documents set out measures to offset the loss of the grassland habitat and trees/hedges. The Assessment includes the results of reptile and badger surveys. No protected species were found but it was noted that bats were likely using the trees and vegetation down the western boundary and mitigation, compensation and enhancement is proposed to ensure no significant harm.

The Councils ecologist raises no objections subject to various conditions to secure the protection & enhancement of retained hedges, details of new lighting, protection of badgers during construction and the proposed wildlife enhancement measures. The South Downs National Park Authority provide advice regarding biodiversity and raise no objections subject to new native landscaping to replace that which will be lost and wildlife enhancement measures.

It is considered the retention of the northern and western tree planting ensures there is no significant impact on the flight lines of bats crossing the site in accordance with South Downs policy SD10.

In respect of biodiversity net gain, it is acknowledged that the proposal will result in the loss of 13

category B trees and two sections of existing hedgerow. The Council's ecologist asks that any trees lost are replanted on a 2 for 1 basis (so 26 new trees). The Council's Tree Officer also asked that any planting scheme is ambitious and is dominated by native tree species of potential stature (min. 10-15m ht.).

The applicant has indicated 40 new trees will be planted within the site confines. Whilst the exact mix is yet to be established, 31 trees will have the potential to reach 10-15m high and a large proportion of these will be natives. The submitted indicative colour landscape layout plan shows the placing of new trees and it is considered that some of these locations may not be practical in the long term due to being between/adjacent to parking spaces or adjacent to built features. However, it also indicates 17 new trees within hedgerow along the Fontwell Avenue frontage.

The full detail of the new trees (and new hedges) would be secured by the landscaping condition and will be assessed at the condition discharge stage. Members may wish to note that the standard condition wording has been amended to specifically require at least 26 new native trees to include specimens that will potentially grow to 10-15m high.

It is not possible to say for certain at the time, that there will be a biodiversity net gain as this is dependent on the new trees/hedgerows being secured through the detail of the post approval landscaping scheme. However, it is considered likely that the applicant will be able to provide 26 new trees to offset the loss and that this together with the other enhancement measures will result in an overall biodiversity net gain. Therefore, the proposal is considered to comply with the NPPF para 175 and with ALP policy ENV DM5.

CHARACTER & DESIGN:

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

It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

Paragraph 127 of the NPPF states "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The emerging Design Guide completed its initial consultation period, has been modified in response to

comments received and is subject to a further 4 week consultation in accordance with regulation 12b of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). This will end on the 14th October 2020.

The National Design Guide has full weight as a material consideration in the determination of this application. This states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan.

The applicant provided a detailed Design and Access Statement (DAS) which includes an assessment of the scheme versus the emerging Design Guide and also refers to the characteristics set out in the National Design Guide. The DAS sets out the following key principles behind the layout/design:

- (1) Landscape led, with key views to the Western boundary maintained and housing pulled back from the Eastern boundary;
- (2) A green space forming the heart of the scheme with housing fronting onto it and informal play in it;
- (3) Viewpoints down Wandleys Lane addressed by the position and orientation of the buildings;
- (4) Native planting to the eastern boundary of the site will be reinforced to create a natural visual buffer along Fontwell Avenue;
- (5) The building lines on the site do not follow the geometry of the roads creating an informal semi-rural character.
- (6) Affordable homes to be in a mixture of forms (apartments and houses) and designed to be tenure blind;
- (7) The western edge maintained as a linear green space; and
- (8) An architectural approach is in keeping with West Sussex vernacular to create a sense of place based on the surrounding context in Fontwell and Eastergate.

It is considered that the layout as is visually interesting with different areas of open space, a variety of built forms and retention of much of the existing planting. The two ends of the site are denser than the centre but these areas have the best existing screening whilst the centre is clearly visible from Fontwell Avenue and the layout recognises this by directing such views to an area of open space with houses fronting onto it. This space will draw the eye and create a sense of place within the site. The northern and southern ends of the site do have a plethora on frontage parking however this is acceptable as these areas are screened from outside views.

The dwellings are considered to be appropriately mixed with different materials, roof heights, roof forms, window and door designs. Also included is a two storey apartment building and four FOG buildings which have a dwelling over a garage. The Design & Access Statement refers to materials being predominantly red stock brick combined with plain clay tiles but with painted brick on key buildings and some reconstituted slate roofing & weatherboarding. However, the exact materials will be controlled by condition. The dwellings are considered to reflect the local architectural vernacular

It is not considered that the development will harm the character and appearance of the locality and does not result in significant harm to the visual amenities of the site/surroundings. The proposal is considered to comply with the relevant design policies.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be

had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The Council's emerging Design Guide completed its consultation stage (09/01/20 to 21/02/20) and sets out guidance on interface distances between houses. Distances between dwellings are given as:

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

There are no standards given for either front to side, side to side or front to back.

Whilst on plan, the northern and southern ends of the site appear denser than the centre, this is largely due to the parking spaces being centralised in these areas. In fact, the majority of the proposed buildings are well spaced apart. The exceptions are as follows:

- Rear of no. 28 is only 11m to the side of no. 30;
- Rear of no. 1 is only 11m from the side of no. 2; and
- Rear of no. 15 only 7.5m from the side of no. 16.

The shortfall is acceptable in all three cases as each of three respective flank elevations have no first floor windows. Two further issues were identified during the determination: that the front elevation of the flatted building looks onto the rear gardens of plots 40-42; and that the rear of plot 12 looks straight onto the garden of no. 13. These were resolved through obscure glazed fixed shut first floor windows to the front of the apartment building (these windows serve kitchens & bathrooms); and by having plots 12 & 23 have roof lights rather than rear windows to their bathrooms.

It is not considered the proposal will cause harm to the amenities of future residential occupiers. The nearest existing dwellings are considered to be too far away such that the interface distances all far exceed the guidance in the Design Guide.

INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The submitted accommodation schedule (Rev P) provides a breakdown of the internal floor areas for all of the dwellings. This has been checked for accuracy but demonstrates that all of the dwelling meet or exceed the required internal floor space standards.

There are no policies in the ALP relating to garden sizes but the emerging Arun Design Guide sets out standards for garden sizes for houses consisting of:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of

17m. At least 3sqm of useable space; and

- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The same accommodation schedule provides the rear garden lengths of each dwelling. This demonstrates that 56% of the houses have rear gardens of 10.5m or more. The exceptions being plots 2 & 14 which are 9m deep and plots 7, 8, 20, 21, 22, 24, 25, 26, 28, 29, 30, 31, 32, 33 & 34 which are 10m deep. The 10m long garden instances are acceptable as the Design Guide is not yet adopted and even when adopted will be guidance not policy. The 10.5m distance is partly required to ensure a 21m back to back interface distance and none of the plots in question have a substandard back to back distance.

In respect of plot 2, it should be noted that this has a road to its rear and that it is as wide as it is deep therefore the rear garden space is not inadequate. Plot 14's rear garden is around 7m wide so has an overall area of 58m² but this space is afforded decent light due to being south west facing and is also adjacent to public open space. Front garden depths are not provided by the schedule but it is not considered that the layout is inadequate in this regard.

The four FOG properties were subject to alteration through the course of the application such that the plans now show them to have 4.3m² balconies to the first floors. These respect the building to building interface distances in the Design Guide. The flats either have 11m deep side gardens (ground floor) or 4 m² balconies (first floor) and there is communal space to the front of the building.

Whilst there is some shortfall in the requirements of the Design Guide, this is both emerging (not adopted) and guidance only. Furthermore, the majority of gardens are also wide such that they remain sufficient spaces and there will be no significant harm to the amenities of future residential occupiers.

WASTE MANAGEMENT:

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

The site plan and road layout have been tracked for a refuse vehicle swept path. The proposed refuse strategy is a mixture of kerbside collection, bin collection points and bin stores.

WSCC Highways have no objections to the ability of refuse vehicles to access and leave the site in a forward gear and therefore, the proposal is considered to comply with policy WM DM1.

NOISE & AIR POLLUTION:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. ALP policy QE DM1 states that residential development likely to experience noise from road must (a) be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The proposal includes a footpath onto Level Mare Lane in addition to a crossing point on the A29 from the site to the existing footway on the opposite side. The site is considered to be in a sustainable location situated between the edge of Eastergate and the new Fontwell development to the north. New residential occupiers will be able to walk, cycle or take a bus to access nearby facilities.

The application is supported by a noise impact assessment which considers noise both current and future. It proposes mitigation measures in the form of acoustic glazing to those properties closest to the A29 plus acoustic fencing to the affected gardens.

The Environmental Health officer raises no objections and request conditions be imposed to secure the noise mitigation measures, protect dwellings near the southern boundary from odours emanating from the equestrian uses, mitigate air pollution to the new dwellings, implement electric car charge points and control new lighting.

On this basis, there is no conflict with the relevant policies.

FLOODING, WATER POLLUTION & SURFACE WATER DRAINAGE:

Notwithstanding the concerns of residents, according to Council records, the majority of the site does not lie in an area at risk from current or future flooding. The exception is a small area along the frontage (broadly in front of plots 3-6) at risk from surface water flooding based on a 1:1000 year event. This is believed to be as a result of a watercourse along Wandleys Lane which enters a culvert under the A29 and which floods back onto Wandleys Lane/Fontwell Avenue in high rainfall events. This represents an extremely low risk and does not necessitate any mitigation measures. The Environment Agency raise no objections or request any flood prevention mitigation measures.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." Policy W DM1 seeks to protect existing water supplies from foul & surface water discharges. BENDP Policy ES1 requires that development reduce the overall level of flood risk in the area and that conditions be imposed to ensure an effective surface water drainage scheme.

This application has seen considerable negotiation between the applicant and the Councils drainage engineers due principally to the source protection zone (SPZ) below the ground (this is a chalk aquifer) and the fact that groundwater levels in this area are very shallow meaning that infiltration has the potential to pollute the water supplies below ground. It is also noted that there are two water bore hole extraction points in the local area (one further north up Fontwell Avenue and the other at the western end of Level Mare Lane). As such, any infiltration has to be very shallow to avoid polluting the SPZ.

The Environment Agency state they will only agree to deep infiltration if the discharge is indirect, shallow infiltration has first been ruled out, the system is no deeper than is required to achieve soakage, pollution control measures are in place, a risk assessment has been provided and there are sufficient mitigating factors to compensate for the increased risk. Their position is that the application can be granted permission as long as conditions are in place to agree drainage post permission. They and Portsmouth Water request conditions to protect the SPZ including control of foundation details (approval of the use of piling) construction management and contamination.

The Council's Drainage Engineers have removed their holding objection and agree that the drainage layout can be reserved to a condition. This is condition 10 in the recommendation. The applicant will be reminded that should it not be possible to agree the drainage scheme by condition then they will need to re-apply in order to agree a new layout.

The applicants have now also demonstrated that they can fit in their drainage scheme with a 5m offset to buildings/roads and that this scheme separates roof water from road water and keeps all infiltration devices relatively shallow (at least 1.4m below ground level). This detail will then need to be reviewed at the condition discharge stage by Portsmouth Water and the Environment Agency.

On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

The Lidsey Treatment Catchment Area designation only affects a part of the site and covers those dwellings which will be fronting the A29 (roughly plots 1-15 & 36-42). ALP policy W DM1 states that all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development.

The same policy requires a drainage impact assessment for sites in the Lidsey catchment area and this has been provided. The application proposes to connect to the existing main sewer to the South East of the site using a gravity based system. The Statement concludes that based on the size of the catchment, the percentage increase in flows to the treatment works is not significant.

Southern Water raised no objections to the initial consultation with only a standard foul drainage condition (i.e. they did not request any phasing of the occupation of the dwellings whilst network reinforcement is carried out). Southern Water have been sent the Drainage impact Assessment and responded on 06/11 to state they had no further comments. As an Assessment has been provided and as Southern Water raise no objection, there is no conflict with policy W DM1.

ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. In addition, ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application includes an Energy Statement which sets out full details of the proposed energy reduction strategy. This shows that the proposed development:

- will promote walking and cycling, and deter private car ownership;
- will minimise internal water consumption to 105 litres per person per day;
- will incorporate measures to maintain and improve site biodiversity, including retaining the existing boundary vegetation and including biodiverse planting;
- will reduce surface water runoff rates through the use of sustainable drainage measures, including permeable paving, soakaways;
- will minimise energy demand through the specification of low U-values, low air permeability and low thermal bridging to reduce heat loss;
- the site has been assessed on the basis of Air Source Heat Pump (ASHP) technology to serve the space and water heating demands of the proposed dwellings;
- however other technologies could be applied in the future e.g. PV, Ground Source Heat Pump and Solar to achieve the same results; and
- will exceed the ADC carbon dioxide emissions reduction requirements through on-site means alone, with a minimum 13.7% reduction in CO₂ emissions for apartments and 29% for houses.

The applicant states that these proposals indicate that they are going over and beyond the policy requirements in particular with the use of fossil fuel free buildings ready for the 2050 zero carbon economy, a greater CO₂ reduction than required by Arun Policy (10%) and options to supplement this with PV panels.

Much of these are inherent in the design of the scheme or are covered by other conditions however a condition will be imposed to secure the energy efficiency/reduction measures. On this basis, it is

considered that the proposal complies with policies ECC SP1 and ECC SP2.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The Councils Housing Strategy and Enabling Officer requires that 13 affordable dwellings are secured by a Section 106 Legal Agreement. This should comprise a tenure split of 75% rented and 25% intermediate housing with the mix being: 3 x 1 bed, 5 x 2 bed, 2 x 3 bed (rented) and 1 x 1 bed, 1 x 2 bed, 1 x 3 bed (intermediate).

The site layout has been designed to be tenure blind between private and affordable units. The affordable units are clustered together in the north of the site (plots 30-42) which allows for easier maintenance by a Housing Association but the mews court approach is also reflected in the private housing areas to the south of the site which includes terraced housing and Flats Over Garage units (to provide passive surveillance of parking courts). The design philosophy is based on creating smaller more intimate spaces off of the primary and secondary access roads and this approach is not based on tenure.

The affordable housing provision will be secured by a S.106 legal agreement and on this basis, the proposal will accord with policy AH SP2. However, there is some conflict in that Policy AH SP2 also requires that large groupings of single tenure dwellings or property types should be avoided.

PUBLIC OPEN SPACE & PLAY:

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

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 3465m² of Public Open Space (POS) which includes the 508m² required for LAP and LEAP play areas.

The layout includes 3,471m² of POS which exceeds the requirement. This quantum includes green space, new landscaping, the footpaths along the western edge of the site and areas for play (although the latter is to be agreed by condition). These spaces will also allow for biodiversity incorporation and the Councils Landscape Officer considers that the total offer is acceptable. The play space requirements are for one Local Area of Play (LAP) and one Local Equipped Area of Play (LEAP). The applicant has provided an indicative plan showing a 'trim trail' around the site with other natural play features although the play provision will be agreed by condition therefore it not being determined at this time.

It is not appropriate to provide on-site playing pitch or indoor sport/leisure provision on a site of this size and it not possible to secure any off-site contributions for such through a S106 Agreement as this site is liable for CIL. The Council will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere in the district. The on-site POS and play provision will be secured by condition. There is no conflict with policy OSR DM1 whilst the play offer will be agreed at a later stage through the discharge of the condition.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community" and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for

planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

The introduction of CIL it is no longer possible to secure financial contributions for off-site projects through a Section 106. This development is CIL liable and the contribution of £394,300.00 (minus any relief subsequently applied for) will be collected upon the commencement of development.

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

SUSTAINABLE DEVELOPMENT & NPPF PRESUMPTION:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 11 of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can currently demonstrate a Housing Land Supply (HLS) of 2.9 years and as such there is a significant shortfall and hence, its policies most important for determining applications for residential development are considered to be out of date. To be able to benefit from the presumption, the proposal must be assessed as being sustainable development and this assessment should consider environmental, social and economic factors.

Although a countryside site, the site is sustainably located being as it roughly equidistant between the edges of two nearby Built Up Area Boundaries (BUAB). The site entrance is 350m from the edge of the BUAB to the south and 330m from the edge of the BUAB to the north (this being the edge of the Fontwell Avenue site approved for new residential dwellings, employment floorspace and non-residential floorspace).

It is considered that residential occupiers can realistically use alternative methods of transport to the car to access nearby shops, services and places of employment. These include walking, cycling and public transport. The applicant includes a travel plan which proposes that new residents be provided with a free £150 voucher towards cycling equipment/bus passes. The site's development results in a loss of trees and some other wildlife habitat (albeit limited in value), however the proposal will also include new tree planting and biodiversity enhancement measures.

The proposal includes 13 new affordable homes and a total contribution of 42 dwellings to contribute to the Council's current housing land supply shortfall and meet future needs. In addition, the on-site open space and play will be accessible by existing residents in the area and the addition of a pedestrian crossing on the A29 will benefit all local people.

The application includes a statement on likely economic benefits of the development which quantifies the impacts and includes references to new jobs and new spending by occupiers. This includes 58 direct construction jobs, 88 indirect & induced construction jobs, first occupation expenditure of £355,000, resident expenditure per annum of £1.15m, £77,000 additional Council Tax receipts and £75,000 in New Homes Bonus payments. Furthermore, CIL receipts could be used to contribute towards local infrastructure. This does need to be contrasted with the impact of the loss of the agricultural land but as noted elsewhere, the site has not been in an agricultural use for at least 43 years.

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

On balance, it is considered that the proposal does meet the economic social and environmental aspects of sustainable development and therefore the presumption in favour of sustainable development is engaged. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

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

SUMMARY:

There is some conflict with policies in the development plan concerning the development of a countryside site, loss of agricultural land and the concentration of affordable homes. However, the policies of the development plan relating to the supply of housing have reduced weight as the Council is not able to demonstrate an adequate supply of housing land.

Furthermore, although there is some shortfall in some gardens & interface distances, this is stated to be acceptable within the report and members should also note that the emerging Design Guide will, when adopted, be guidance not policy (and therefore allows for a flexible approach).

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

The proposal is considered to be acceptable and it is recommended for approval subject to the following conditions. Notwithstanding, if the Section 106 is not signed within 4 months, then the application shall be refused for the following reason:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 62-64) and policy AH SP2 of the Arun Local Plan.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 section 106 Legal Agreement will be signed and will cover the provision of Affordable Housing, specifically, 13 dwellings consisting of 10 affordable rented dwellings and 3 intermediate dwellings. These will be provided not later than 50% occupation of the development.

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £394,300.00 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). The Parish Council would receive a 25% share of this money (£98,575) albeit subject to whether any relief is claimed.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 and documents:

29662A 20 Rev D "Location Plan";
 29662A 100 Rev A1 "Site Block Plan";
 29662A 100 3 Rev B "Housetype: 1 Bed Affordable Apartment plans and elevations plots 36, 37, 38 & 39";
 29662A 100 4 Rev B "Housetype: 1 Bed Affordable Apartment plans and elevations plots 36, 37, 38 & 39";
 29662A 101 1 Rev B "Housetype: 2 Bed Affordable Plans & Elevations plots 31, 32, 33, 41, 42";
 29662A 101 2 Rev B "Housetype: 2 Bed Affordable Plans & Elevations plots 31, 32, 33, 41, 42";
 29662A 102 1 Rev B "Housetype: 3 Bed Affordable OP1 Plans & Elevations plots 30, 34 & 40";
 29662A 102 2 Rev B "Housetype: 3 Bed Affordable OP1 Plans & Elevations plots 30, 34 & 40";
 29662A 103 1 Rev D "Housetype: FOG Plans and Elevations 16 & 35";
 29662A 103 2 Rev D "Housetype: FOG Plans and Elevations 16 & 35";

29662A 103 4 Rev D "Housetype: FOG Plans and Elevations 12 & 23";
 29662A 103 5 Rev D "Housetype: FOG Plans and Elevations 12 & 23";
 29662A 104 1 Rev B "Housetype: 2 Bed Private OP2 Plans & Elevations plots 13 & 14";
 29662A 104 2 Rev B "Housetype: 2 Bed Private OP2 Plans & Elevations plots 13 & 14";
 29662A 105 1 Rev B "Housetype: 2 Bed Private OP3 Plans & Elevations plot 20";
 29662A 105 2 Rev B "Housetype: 2 Bed Private OP3 Plans & Elevations plot 20";
 29662A 106 1 Rev B "Housetype: 3 Bed Private OP1 Plans & Elevations plots 8, 9, 10, 18, 19, 24, 25, 28 & 29";
 29662A 106 2 Rev B "Housetype: 3 Bed Private OP1 Plans & Elevations plots 8, 9, 10, 18, 19, 24, 25, 28 & 29";
 29662A 107 1 Rev C "Housetype: 3 Bed Private OP2 Plans & Elevations plots 1, 2, 3, 7, 11 & 27";
 29662A 107 2 Rev C "Housetype: 3 Bed Private OP2 Plans & Elevations plots 1, 2, 3, 7, 11 & 27";
 29662A 108 1 Rev C "Housetype: 3 Bed Private OP3 Plans & Elevations plots 5, 6, 21 & 22";
 29662A 108 2 Rev C "Housetype: 3 Bed Private OP3 Plans & Elevations plots 5, 6, 21 & 22";
 29662A 109 1 Rev C "Housetype: 4 Bed Private OP4 Plans & Elevations plots 4, 15, 17 & 24";
 29662A 109 2 Rev C "Housetype: 4 Bed Private OP4 Plans & Elevations plots 4, 15, 17 & 24";
 29662A 110 Rev B "Site Roof Layout Plan";
 29662A 120 Rev B "Site Section A-A";
 29662A 121 Rev B "Site Section B-B";
 29662A 503 Rev C "Garage Floor Plans and Elevations";
 29662A 504 Rev A "Car Port Plan";
 020.0360.001 "Access Design";
 020.0360.002 "Pedestrian Visibility Splays";
 020.0360.003 "Access Tracking";
 020.0360.006 Rev B "Level Mare Lane/Fontwell Avenue Junction Visibility Splays";
 020.0360.009 "Vehicle Tracking";
 020.0360.010 Rev A "Fire Tender Tracking";
 020.0360.011 Rev A "Refuse Tracking";
 020.0360.012 "Fontwell Avenue Tracking";
 Schedule of Accommodation ref 29662A Rev R (03/11/20); and
 Design & Access Statement May 2020, Ref F.

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

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

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

- 4 The development must be carried out in accordance with the Ecological Enhancement Plan ref LLD1544-ECO-DWG-001 and the accompanying Ecological Enhancement Specifications. The enhancements and mitigation measures shown on the drawing shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

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

- 5 No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected and enhanced. There must be a 5m buffer zone in

place secured by fencing around the retained hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

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

- 6 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. This is required to be a pre-commencement condition because the commencement of construction work could harm any archaeology within the site area.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6.

- 7 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the local planning authority (who shall consult with the Environment Agency & Portsmouth Water). The development shall be carried out in accordance with the approved details.

A piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) should be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

It must be demonstrated that any proposed piling:

- a. Will not result in contamination of groundwater;
- b. Will not increase risk to drinking water supplies (including turbidity); and
- c. Will not deteriorate the transmissivity of the aquifer.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with paragraph 109 of the National Planning Policy Framework and policies W SP1 & W DM1 of the Arun Local Plan. This is not strictly a pre-commencement condition as other means of foundations are available however, if piling must be used then these details must be agreed prior to commencement and this condition is required because otherwise the water supplies under the site could be adversely affected.

- 8 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways, Portsmouth Water and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details pertaining to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;

- Measures to minimise the noise (including vibration) generated by the construction process to include proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- All pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, ENV DM5, QE DM3, W SP1, W DM1 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 9 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 or dwellings 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 and to manage the quantity of foul sewage in order to minimise the risk to controlled waters & the public drinking water supply in accordance with policies W SP1, W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 10 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. No 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.

- 11 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.

- 12 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement, Lizard Landscape and Design Ltd, Ref. LLD1544-ARB-REP-001, Rev. 00, March 2020 and the Tree Retention and Protection Plan, LLD1544-ARB-DWG-002 (Rev 04).

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 13 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert or other designated competent person representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, LLD1544-ARB-DWG-002 (Rev 04).

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 14 At least 10% of the energy supply of the development shall be secured from decentralised and

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

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

- 15 No development shall commence until either (a) an odour assessment has been undertaken to determine the impact of odour from the nearby riding school/manege or (b) evidence has been supplied to demonstrate that the equestrian livery use has ceased. If it is not possible to provide the information required by (b) then the results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of amenity within habitable rooms and garden areas shall be submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. The assessment shall be conducted by a suitably qualified odour assessor and be carried out in line with the Institute of Air Quality Managements 'Guidance on the assessment of odour for planning'.

Reason: To protect the amenity of local residents in accordance with Policy QE DM3 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.

- 16 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Soils Limited ref 18570/SRP_R53 (October 20). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework.

- 17 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 landscaping scheme should include at least 26 new native trees to include specimens that will potentially grow to 10-15m high. 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 policy D DM1 of the Arun Local Plan.

- 18 No development above damp proof course (DPC) level shall take place until details of all new

screen walls and fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and fences associated with them have been erected.

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

- 19 No development above damp proof course (DPC) level shall take place until elevation details of the two proposed communal bin stores have been submitted to and approved by the Local Planning Authority and none of the houses/flats associated with these shall be occupied until the approved bin stores have been provided.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and WM DM1.

- 20 No development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for external walls and roofs of the proposed buildings 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 visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 21 Prior to the occupation of any part of the development, full details of new external lighting 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 scheme shall also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

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

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

- 22 No part of the development shall be first occupied until such time as the vehicular access and associated highways works serving the development has been constructed in accordance with the details shown on the drawing titled ACCESS DESIGN and numbered 020.0360.001.

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

- 23 No part of the development shall be first occupied until visibility splays of 2.4m by 107.5m have been provided at the proposed site vehicular access onto Fontwell Avenue 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 and the NPPF.

- 24 No dwelling shall be occupied until the car parking including garages associated with that dwelling has been constructed in accordance with the approved site plan. The car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 25 No dwelling shall be occupied until covered and secure cycle parking spaces (or if in garages then details of storage racks) associated with that dwelling have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

- 26 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. The approved measures within the Travel Plan shall then be implemented in full and permanently retained thereafter.

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

- 27 The dwellings hereby permitted shall be built in accordance with the sound insulation scheme, set out within sections 4.5, 4.6, 4.7, 4.8 & Figure 1 of the "Proposed residential development at land west of Fontwell Avenue, Eastergate, Road Traffic Noise Assessment" by Hepworth Acoustics Ltd (ref P20-188-R01v1, dated April 2020). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out have achieved the Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014. Following the implementation of the insulation scheme for each dwelling, that dwelling shall not be occupied until test results, demonstrating that the minimum sound insulation criteria has been achieved, have been submitted to and approved in writing by the local planning authority.

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

- 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 take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling

from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 29 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

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

- 30 None of the dwellings shall be occupied unless and until full details of the public open space (POS) management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the provision as agreed by application BN/50/20/PL (or any subsequent variation application) prior to occupation of the 22nd dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 31 None of the dwellings shall be occupied unless and until full details of the public play provision and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The play area detail shall include play equipment, surfacing, pathways, fencing (if required) and seating/litter bins. The public play provision shall thereafter be implemented in accordance with the approved details prior to occupation of the 22nd dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that play provision is in place for future residents and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 32 None of the FOG type dwellings (plots 12, 16, 23, 35) shall be occupied unless and until details of balcony screens/railings to these dwellings have been submitted to and approved by the Local Planning Authority. The approved screens/railings shall thereafter be implemented in accordance with the approved details and permanently retained in good condition.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the amenities of nearby residential occupiers in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

- 33 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was

built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

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

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

- 35 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being fully implemented before development in that phase recommences. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that risks from land contamination to drinking water supplies is controlled & mitigated and to protect the amenity of local residents in accordance with policies QE DM4, W SP1, W DM1 and W DM3 of the Arun Local Plan.

- 36 All bathroom, dressing room and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 37 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 38 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations any of the approved houses, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity in accordance with policy D DM1 of the Arun Local Plan.

- 39 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to plots 2, 20, 21, 22, 25, 29, 30, 31, 32, 33 & 34 shall be constructed or buildings shall be erected within the curtilage of the same plots unless

permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amenity of adjoining occupiers and maintain adequate private amenity space in accordance with policy D DM1 of the Arun Local Plan.

40 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.

41 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Affordable Housing, specifically the provision of 13 dwellings consisting of 10 affordable rented dwellings and 3 intermediate dwellings. These to be provided not later than 50% occupation of the development.

42 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website - <https://beta.southernwater.co.uk/infrastructurecharges>.

43 INFORMATIVE: Portsmouth Water state that they would have no objection to piling at this location if the piles terminate within the Clay cover.

44 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

Portsmouth Water have a presumption against deep bore soakaway disposal in this area as deep infiltration systems can provide a pathway for contaminants. Any contamination may pose a risk to groundwater underlying the site and to the surrounding potable supplies. If deep bore soakaway(s) are the proposed drainage solution, the application for the construction and installation should be accompanied by an adequate risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design.

45 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.

- 46 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990. For further information please contact the Environmental Health Department on (01903) 737555.
- 47 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 02/06/20) as available on the Councils website.
- 48 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.
- 49 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to signage being installed. The applicant should be aware that a charge will be applied for this service.
- 50 INFORMATIVE: The applicant should note that this layout has been approved without full agreement in respect of drainage. If it becomes clear that drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage or if it is necessary to use Public Open Space for drainage then a new application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

BN/50/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Planning Ref	Legal Ref	Site	Provisions								Legal officer	Legal Status	Other Notes
				AH	PAGHAM	POS/PLAY	LEISURE (Sadie – TL)	WSCC Infrastructure	WSCC Highways	NHS			
BN/50/20/PL	TBC	Land west of Fontwell Avenue	13 with following preferred mix: Rented: 3 x 1 bed, 5 x 2 bed & 2 x 3 bed Intermedia te: 1 x 1 bed, 1 x 2 bed & 1 x 3 bed	n/a	2,957m2 POS on site + £49,911 maintenance sum if adopted 508m2 Play Space on site (1 x LAP & 1 x LEAP) + £30,000 maintenance sum per play site if adopted.	CIL	CIL	Highways England want contribution to A27 but this will need to be covered by CIL.	CIL	MONITORING FEE OF £2700	Tbc	Instructed 30/06/20	

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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/32/20/PL

Received: 24-09-20

White Lodge Hangleton Lane Ferring

Erection of 1 No. detached low-profile bungalow with attached garage. This application is a Departure from the Development Plan & may affect a Public Right of Way.

Written Representations

PINS Ref: APP/C3810/W/20/3255546

AL/27/20/PL

Received: 13-08-20

Springfield Hook Lane Aldingbourne

Demolition of the existing dwelling & construction of 2 No. 2-bed, 3 No. 3-bed & 4 No. 4 bed houses including access, landscaping & associated works (resubmission following AL/51/19/PL).

Written Representations

PINS Ref: APP/C3810/W/20/3256210

AL/42/19/PL

Received: 03-02-20

Nyton House Nyton Road Westergate

Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This application affects the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/19/3242332

AL/43/19/L

Received: 03-02-20

Nyton House Nyton Road Westergate

Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas.

Written Representations

PINS Ref: APP/C3810/Y/19/3242340

AL/51/19/PL

Received: 29-06-20

Springfield and land to rear Hook Lane Aldingbourne

Demolition of the existing dwelling & erection of 3 No 2-bed, 3 No 3-bed & 4 No 4-bed dwellings, access, landscaping & associated works.

Written Representations

PINS Ref: APP/C3810/W/20/3249051

AL/62/19/PL

Received: 04-02-20

Land Rear of Sundown Littleheath Road Aldingbourne

1 No. new dwelling. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/19/3241407

AW/131/19/T

Received: 12-07-19

12 Hunters Close Aldwick Bay Estate Aldwick

Reduce height by 8m to 1 No. Lombardy Poplar tree.

Written Representations

PINS Ref: APP/TPO/C3810/7494

BE/135/17/PL

Received: 06-05-20

Shripney Garden Caravan Site Shripney Lane Bersted

Continuance of use without compliance with condition 4 imposed under BE/151/11/ relating to occupancy.

Public Inquiry

PINS Ref: APP/C3810/W/18/3214487

BN/24/20/PL

Received: 07-08-20

Tile Barn Farm 32 Hill Lane Barnham

Erection of 1 No. dwelling & formation of new vehicular access. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: W/4001228

BR/233/19/PL

Received: 09-03-20

77 Aldwick Road Bognor Regis

Part change of use of ground floor & formation of a first floor rear extension to create 2 No self-contained studio flats with associated refuse/ recycling & cycle store (resubmission following BR/63/18/PL).

Written Representations

PINS Ref: APP/C3810/W/20/3245777

BR/31/20/PL

Received: 12-10-20

77 Aldwick Road Bognor Regis

Part change of use of ground floor & formation of a first floor rear extension to create 2 No. self-contained studio flats with associated refuse/recycling & cycle store (re-submission following BR/233/19/PL)

Written Representations

PINS Ref: W/4001823

BR/347/19/T

Received: 20-03-20

4 Pinewood Gardens Bognor Regis

Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

BR/73/19/PL

Received: 09-03-20

Land To East Of Royal Norfolk Hotel Aldwick Road Bognor Regis

Erection of 3 No. terraced residential dwellings, garden/cycle storage sheds & associated parking utilising the existing access (resubmission following BR/214/18/PL). This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/20/3244777

<p>BR/75/20/HH Received: 08-10-20</p>	<p>140 London Road Bognor Regis Conversion of roofspace to habitable use to include a rear dormer and terrace, with front and side rooflights. Written Representations PINS Ref: APP/C3810/D/20/3256727</p>
<p>EG/22/19/OUT Received: 20-03-20</p>	<p>Boweries Barnham Road Eastergate Outline application with some matters reserved for the erection of 28 No. dwellings, access, landscaping & associated works (re-submission following EG/42/18/OUT). Informal Hearing 22-09-20 PINS Ref: APP/C3810/W/20/3246409</p>
<p>FP/61/20/PL Received: 02-09-20</p>	<p>10 Felpham Gardens Felpham Demolition of 1 No. house & erection of 2 No. chalet style dwellings with garaging & car parking (resubmission following FP/274/18/PL). Written Representations PINS Ref: W/4001528</p>
<p>M/62/19/PL Received: 05-08-20</p>	<p>177 Middleton Road Middleton-On-Sea Construct an additional dwelling house along Sundale Lane to rear of 177 Middleton Road. Written Representations PINS Ref: W/4000893</p>
<p>M/80/19/PL Received: 23-09-20</p>	<p>Former Poultry Farm Land West of Yapton Road Middleton on Sea Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision Informal Hearing 25-11-20 PINS Ref: W/4001151</p>
<p>P/58/19/PL Received: 16-09-20</p>	<p>Rear of Inglenook Hotel 253-255 Pagham Road Pagham Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building. Written Representations PINS Ref: W/4001476</p>
<p>R/268/19/PL Received: 18-08-20</p>	<p>6 Manor Road Rustington Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL). Written Representations PINS Ref: W/4001103</p>

R/92/20/PL

Received: 18-08-20

6 Manor Road Rustington

Demolition of existing garage & store on existing dwelling & erection of 2 No detached bungalows to rear.

Written Representations

PINS Ref: W/4001478

ENF/505/12/

Received:

Hales Barn Farm Arundel Road Norton West Sussex

Written Representations

PINS Ref: APP/C3810/C/18/3212055

ENF/211/16

Received:

Wisteria Heights Caravan Park (prev. Shripney Gardens) Shripney Lane Bersted West Sussex

Public Inquiry

PINS Ref: APP/C3810/C/19/3222033

ENF/115/17

Received:

44 Christchurch Crescent West Meads Aldwick

Written Representations

PINS Ref: APP/C3810/C/20/3249296

ENF/470/15/

Received:

Valhalla High Street Bognor Regis

Written Representations

PINS Ref: APP/C3810/F/20/3257966

FRAMEWORK MASTERPLAN ENDORSEMENT REPORT

REF NO: SD5 BARNHAM, EASTERGATE AND WESTERGATE (BEW)

LOCATION: BEW Strategic Development Site

PROPOSAL: Submission of BEW Masterplan Framework for Endorsement

SITE AND SURROUNDINGS

DESCRIPTION OF PROPOSAL:

This Framework Masterplan has been prepared by JTP on behalf of the key landowners for the site. The site is allocated for development in the Arun District Council Local Plan (2018) for at least 3,000 homes, alongside infrastructure including a new primary school, community facilities, public open space, sports and retail provision.

The Framework Masterplan sets the broad design principles to deliver an integrated community which is set within a high-quality landscape and integrates appropriately with the existing settlement. It is intended to guide future planning applications coming forward on this allocated site.

The Framework Masterplan demonstrates how the requirements for the Site Allocation as set out in Policy H SP2c of the Local Plan can be delivered. These requirements include the building of at least 3,000 new homes, employment provision, new primary schools, plus a community hub which will include shops, a library and healthcare facilities. Sports provision in the form of a new 3G pitch and two pitches with associated facilities will be provided as minimum.

SURROUNDING AREA:

The BEW site is located to the south of the existing villages of Barnham, Eastergate and Westergate. The site is located approximately 6.5km north of Bognor Regis town centre and approximately 10km from Chichester City Centre.

The South Downs National Park lies to the north, with the Chichester Harbour Area of Outstanding Natural Beauty (AONB) to the south west.

The site is bounded by Barnham Road/Yapton Road to the north and north east and Lidsey Road to the west.

The site contains several public footpaths which pass through the allocation. These paths form part of the local pedestrian network between Westergate, Eastergate and Barnham and enable the movement of pedestrians throughout the local area.

SITE DESCRIPTION:

The land comprising the BEW site allocation is rural in character and comprises agricultural fields. There are a limited number of existing buildings on the site with the most notable comprising the farmstead building in the centre of the site, south of the existing railway line.

The site features an existing railway line which provides connections to Barnham Railway station located to the east of the site.

The overall site area measures approximately 2km north to south and is approximately 1.8km wide east to west along the railway line (at its widest point).

PURPOSE OF THE FRAMEWORK MASTERPLAN

The Framework Masterplan does not seek to replace an outline planning application and endorsement of a Masterplan is the first step before an outline planning application is submitted.

The Framework Masterplan seeks to solely establish placemaking principles. It does not detail infrastructure delivery and timings; though indicative and preliminary scheduling has been provided. However, this is not binding and these matters will be considered at outline stage and through the lifetime of the delivery of the development. Only at the point of formally approving an outline permission would such matters become binding upon the Council.

Officers are reporting this Framework Masterplan to Members for endorsement. Officers consider that the placemaking principles set out in the document will allow for policy compliant planning applications to be delivered in latter stages of development. The development will achieve a high-quality place which aligns with the aims and objectives of Arun District Council.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Following from the allocation of this Strategic Site in the 2018 Arun Local Plan, work has been undertaken to provide a Framework Masterplan which all subsequent detailed design proposals should accord with. The Framework Masterplan ensures that development is not undertaken in a piecemeal fashion and as different applications come forward, which reflect the different land ownership interests, the development achieved will operate successfully as a functional whole.

The Framework Masterplan has been evolved as a result of ongoing discussions with both Officers at Arun District Council, key stakeholders, third party bodies and engagement with local residents. In agreement with Officers, the developers have undertaken the following process of engagement to evolve the Masterplan Framework:

- Pre-application meetings with ADC Officers and third-party bodies including West Sussex County Council, Southern Water, Natural England etc...
- Advisory Group Meetings with nearby landowners, third party bodies, Officers at Arun District Council and Members of both Parish, District and County Councils
- Individual meetings with Parish Council Chairman

- Meeting with Key Stakeholders
- Public Engagement
- Local Resident's Webinar

Pre-application meetings with Officers at Arun District Council were undertaken since September 2019. Regular and open dialogue has been taken place throughout this period to discuss key aspects of the Framework Masterplan and to understand the Council's aspirations.

After each of these pre-application meetings Officers at ADC followed up with written feedback to ensure that the evolution of the Framework Masterplan reflected historical discussions on the site and was being developed in accordance with the local planning context.

The developers have engaged with the Arun District Council's BEW Advisory Group meetings since September 2019. In addition, the developers have undertaken individual meetings with the Chairman of Barnham and Eastergate Parish Council and Aldingbourne Parish Council.

The developers have met with key stakeholders, in addition to separate ADC Officer discussions, to assist with the evolution of the Framework. These meetings have included:

- West Sussex County Council (education)
- West Sussex County Council (transport)
- Coastal West Sussex Clinical Commissioning Group (on behalf of NHS estates)
- Environment Agency
- Southern Water
- Natural England
- Sport England

Following from these meetings, and in agreement with Officers at Arun District Council, a public consultation period took place over a three-week period. Due to social distancing requirements, a website was prepared which provided details on the proposals and an opportunity for people to send comments electronically via an online form or via email, was provided.

This public engagement included a leaflet drop to local households prior to the consultation period taking place which included details of the proposal, a pre-paid envelope to return comments on and a telephone number to contact the developers directly.

In recognition that some residents may not have ready access to the internet, and in agreement with Officers at ADC, the leaflet provided details of a contact in the developer's team who provided hard copies of consultation material.

Following this comprehensive engagement strategy which was undertaken under the close scrutiny and ongoing feedback with Officers at ADC, the submission version of the Framework Masterplan was then finalised and submitted for consideration.

As part of the endorsement process, Arun District Council have consulted with members of the public for a four-week period. Notices on the Council's website have been placed, social media channels have advertised this process and hard copies of notices have been placed in nearby Parish Council boards. A summary of the feedback received within this four-week

consultation period is provided below. Representations received after the 26th October will be reported to Committee as an Update.

REPRESENTATIONS RECEIVED:

26 letters of objection have been received in the consultation period up to 26th October and the issues raised are summarised below:

- Principle of development
- Lack of safe hacking routes for horses/equestrian uses
- Bridleway provision
- Housing provision, quantum, mix and tenure types
- Sustainable design
- Healthcare provision
- Bus service provision
- School/education provision
- Highways and parking impacts
- Consultation/engagement
- Infrastructure delivery
- Sports provision and retention of cricket pitch
- Drainage and flood risk
- Green infrastructure and vegetation planting
- Connectivity
- Biodiversity/habitats
- Water provision

Comments from Barnham and Eastergate Parish Council and Bersted Parish Council have been received which reiterate the above matters.

Comments have been received from Historic England and the Sussex Wildlife Trust which contain advice to be considered as part of future more detailed planning applications.

WSSC:

- No mention of bus infrastructure or bus routes being considered or any mention of involvement or discussions with local bus operators
- No mention of grade separate crossings
- Clarification on how it is intended to include walk/cycle path parallel to the railway
- Should show how the development will fit into the wider network of transport infrastructure and services
- Should acknowledge that infrastructure will need to be considered and designed in line with current guidance such as LTN 1/20
- Consideration of route FP296/1 needs to be included
- PROW should be upgraded to public bridleways
- Existing canal towpath should be upgraded to a bridleway
- Encouraging to see the development layout broadly appears to correspond to the requirements outlined in the Arun Strategic Surface Water Management Study

Arun District Council Leisure & Greenspace

- All nature conservation features within the development site including existing habitats, trees, hedges, watercourses and other features will need to be incorporated into the site design and protected from change

- Quality, well-designed POS will be fundamental to the masterplan and this will need to accord with Arun District Council's Open Space SPD January 2020
- The BEW development of up to 4,300 dwellings is required to provide a Community Sports Hub which will include indoor and outdoor sports and physical activity space
- The Community Sports Hub needs to be located west of the A29, enabling a strong association with the Linear Park and the planned outdoor activities
- Pitches need to be located in close proximity to the Community Sports Hub and sufficient numbers of changing facilities and parking will need to be incorporated as part of the Hub
- Pitches should be delivered earlier to meet the demand generated by the increase in population
- Public art should be referred to in the Masterplan Framework documents
- It is essential that SUDS do not impact on the usable levels of public open space also required as part of new housing development. SUDS should not be included in the 'usable open space calculations'
- Extensive views into and from the development site to the South Downs to the north must be promoted and given careful landscape opportunity consideration
- All greenspaces should be considered and valued and their capacity for biodiversity and habitat enhancement explored

Highways England:

- The junctions and associated agreed mitigations are highly unlikely to be suitable for the traffic demands placed upon them as a result of the significant increase in housing numbers
- Highways England will need a thorough review of the existing strategic modelling as well as detailed modelling of the above junctions
- The build out of the 2300 dwellings along with the other Strategic Allocations by the end of the Local Plan period 2031 will necessitate the construction of the already agreed mitigations
- To avoid potentially abortive and disruptive roads works necessary to support the current adopted Local Plan urgent review will be required of any likely increase in housing numbers to determine what extra capacity might be necessary
- HE will need to have further separate discussions with Arun and Chichester District Councils in light of Chichester District Council's revised A27 Chichester bypass mitigation proposals in terms of when the mitigation is delivered
- This Master Plan for 4,300 dwellings should not be adopted until such time as we have received and considered the relevant supporting information regarding the potential impacts to the highway network

Sport England

- Sport England supports the strong and direct east west and north south cycle and pedestrian links proposed
- The Council has previously identified as requirement to incorporate Active Design principles in the development and consideration of this can begin at Framework Masterplan stage
- The FM identifies outdoor pitches in a hub of their own but not co-located with the mixed-use centre. Their separation creates two distinct facilities that are likely to require separate management and also present difficulties in terms of access if changing/toilet facilities for the pitches are remote. Clarity is required as to what is proposed and where.

- Disappointing that much of the social infrastructure, library, sports pitches and linear park and east/west link won't be implemented until quite late in the build out. The Council should consider how some of this might be brought forward earlier before new residents adopt unsustainable travel arrangements to access facilities and services elsewhere or miss out on the opportunity provided big move to a new environment to adopt more healthy lifestyles

COMMENTS ON REPRESENTATIONS RECEIVED:

Matters relating to the principle of development were considered when the site was allocated in the Arun Local Plan. The Local Planning Authority is unable to control such matters as these at this stage in the process.

Arun District Council currently has a recognised need for additional housing in the District and is only able to demonstrate a housing land supply of 2.9 years. The delivery of a Strategic Site allocation will make a valuable contribution to an identified need for housing.

Concerns regarding the lack of a new school have been verified by West Sussex County Council's Education Team. They have confirmed that current primary school provision is at capacity and therefore the population increase will trigger the requirement for 2 new primary schools.

The former sections of this report detail the comprehensive public consultation process which has been undertaken in agreement with Officers at Arun District Council.

Matters relating to highways capacity will be considered at planning application stage. It will be the responsibility of the developers when submitting planning applications to demonstrate that the cumulative highways impacts generated from the development, and wider committed development, can be mitigated. Arun District Council have issued their EIA Scoping Response which will require any future applications to mitigate wider cumulative highways impacts and ensure associated highway junction upgrades are in place. It is not the purpose of the Masterplan Framework to ensure this mitigation is in place until detailed proposals come forward.

Matters relating to infrastructure delivery, flooding/drainage, traffic/highways, water supply, sewerage capacity, bridleway provision, outlooks and phasing will be detailed in subsequent planning applications. The Local Planning Authority possesses controls to ensure that no planning permissions are granted until satisfactory detail and information has been provided at the planning application stage to ensure these issues can be addressed. However, the Framework Masterplan demonstrates the principles which the developers consider to be acceptable. These are assessed in full below.

All other outstanding matters detailed above have been considered in full in the subsequent sections of this report.

POLICY CONTEXT

Designations applicable to the site:

- Lidsey Treatment Catchment Area
- Strategic Housing Sites Allocation (H SP2)
- Archaeological Notification Areas (HER DM6)
- WSCC Minerals Consultation Areas

- CIL Charging Zone 1

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 – 2031:

H SP2	Strategic Site Allocations
H SP2c	Inland Arun: Barnham/Eastergate/Westergate

PLANNING POLICY GUIDANCE:

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

CONCLUSIONS

PRINCIPLE:

The submitted Framework Masterplan document seeks to fulfil Policy H SP2 of the Arun Local Plan which requires ‘development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout.’

Policy H SP2 (ALP) sets out an (a) – (q) criteria against which development on the Strategic Site Allocations should come forward.

The emerging Arun District Council Design Guidance (page 124) makes clear that:

Strategic housing sites should incorporate an appropriately enhanced range of shops, employment, sports, community facilities, local services and affordable housing contributions to serve their population as well as those from surrounding areas, providing improvements to and linking with existing infrastructure and surrounding transport networks in a way that is appropriate to their scale and location.

Pages 124 – 125 of the Design Guide sets out a 16 point criteria against which Masterplans should be assessed. These criteria summarise sections D – L of the Design Guide which provides detailed guidance which outlines what Masterplans and their subsequent developments should achieve.

This detailed guidance and the resultant 16 point criteria have been considered continuously throughout the evolution of the Framework Masterplan. For the reasons set out in the subsequent sections of this report, Officers consider that the submitted Framework Masterplan satisfies these criteria, and the criteria set out in Policy H SP2, in full.

HOUSING NUMBERS:

Since the adoption of the Local Plan the developers have undertaken further design and technical work to understand the site constraints. Capacity testing has been undertaken using appropriate housing types and densities, alongside Local Plan requirements. This work has

demonstrated the site can comfortably accommodate an increased number of up to 4,300 homes.

This additional dwelling yield increases on-site infrastructure requirements. This work undertaken has been demonstrated to the satisfaction of Officers that this can be delivered whilst delivering the upgraded level of infrastructure.

Officers support the principle of this increase in dwellings on the basis that this would demonstrate an effective and efficient use of the land which is required by Government guidance. This approach fully accords with the contents of the National Planning Policy Framework (2019) and the Inspector's intent at Local Plan examination/adoption stage.

Officers acknowledge that the Local Plan tested the site capacity for 3,000 dwellings. However, paragraph 85 of the Inspector's Report (when adopting the Local Plan) made clear that *Policy H SP1 reflects the requirements for 20,000 homes. However, in the light of the objective to boost significantly the supply of housing, the figure should be seen as a minimum figure rather than a target.* Paragraph 120 of the Report emphasised that *the numbers are expressed as 'at least' so there would be no restriction within Policies HSP2 a-c to a greater number of dwellings being delivered.*

The developers will be required at planning application stage to present robust evidence which demonstrates that the additional dwellings are acceptable in terms of immediate and wider cumulative impacts. This information has not yet been presented; however, Officers are required to have a masterplan framework in place to require appropriate assessments of the cumulative impacts to be undertaken.

The Framework Masterplan process ensures there is an appropriate level of infrastructure planned alongside the new housing. However, the details of these infrastructure works will be demonstrated as subsequent planning applications come forward. These matters are assessed in further detail below.

USE MIX:

Relevant Policies:

ALP EMP DM1: Employment Land – Development Management, ALP RET SP1: Retail Development, HLDP SDP 12: Integration with Established Communities, HLDP SDP 13: Education, HLDP SDP 14: Mixed and Balanced Community, HLDP SDP 15: Integrating Employment Opportunities, BENDP CLW3: Recreation Facilities, BENDP CLW8: Provision and Improvement of School Facilities, BENDP CLW EE1: Support for Businesses, BENDP CLW EE3: Support for New Commercial Uses, BENDP CLW EE5: Retention of Existing Car Parks, ANDP H2: Housing Mix, ANDP LC1: Support Independent Living, ANDP LC2: Healthcare Facilities, ANDP LC3: Provision of Buildings for Community Uses and ANDP LC8: School Facilities.

The Framework Masterplan details a mix of uses which comprises: 4,300 new homes, shops, services, community facilities, employment and a new primary school. The non-residential uses are predominantly clustered into smaller areas which has arisen from consultation with Officers throughout the pre-application process.

The southern local centre will provide sports & leisure facilities, retail store, possible community hall, café, potential healthcare (e.g. dental facilities), primary school comprising 3 form entry and early years and a Tier 7 library.

The composition and layout of this local centre is currently the subject of ongoing design work between Officers and the developers, to be better reconcile the relationship of the sports pitches provision, local centre and school. Subject to these ongoing discussions which will be reported back to Members at Committee, Officers are recommending further consideration to be given to these matters at planning application stage.

The Framework Masterplan delivers an additional, subordinate, northern local centre which is smaller in nature. This could include a retail store, café, care home, potential hotel and employment space.

Employment space will be incorporated in the development to achieve a vibrant mix of uses throughout the site. Arun District Council's Development Management, Planning Policy and Business Development Teams have worked closely with the developers to achieve an appropriate employment provision.

Whilst definitive uses have not been defined at this stage, this will be confirmed and detailed in later planning applications. The Local Planning Authority has assessed the quantum of land detailed in the employment land provision. Officers and the Business Development Team consider, owing to the site's location and other committed development within the District (i.e. Saltbox and ongoing regeneration work in Bognor Regis), the quantum of development proposed is acceptable.

Officers would seek to ensure the retail development is capped in any subsequent planning applications to maintain the vitality of the existing town centres. Any impacts will be assessed in full as part of the socio-economic chapters of supporting statements accompanying any planning applications. This will ensure new development will not undermine the ongoing work within the District in the regeneration of these above areas.

HOUSING MIX:

Relevant Policies:

ALP H SP1: The Housing Requirement, ALP H DM1: Housing Mix, ALP AH SP2: Affordable Housing, HLDP SDP 6: Housing Mix, Density and Capacity, BENDP H3: Housing Mix, BENDP H4: Integration of New Housing into Surroundings, BENDP H6: Attention to Detail, ANDP H2: Housing Mix, ANDP H3: Housing Density and ANDP H4: Affordable Housing.

The Framework Masterplan demonstrates that the site can accommodate the envisaged 4,300 dwellings within a comfortable development that delivers the appropriate quantum of infrastructure and public open space.

The Arun Local Plan housing mix policies (H DM1) requires developments of over 11 units or more to deliver a balanced mix of market and affordable dwelling sizes. The definitive mix of housing will be detailed within subsequent planning applications. The Framework Masterplan would support a predominantly 2 storey domestic housing scale towards the peripheral edges of the site where they meet the existing villages. Increased heights to 3 and 4 storeys will help define local centres and promote local legibility and strengthen the central community function of place.

The submitted Framework Masterplan, which shows the indicative locations of housing clustered towards the existing villages and within a new central settlement, provides certainty that a range of housing types and densities can be delivered where access to infrastructure and connections would be available.

The Framework Masterplan allows for a policy compliant (30%) provision of affordable housing to be delivered across the site. This would equate, on the basis of a total dwelling yield of 4,300 units, to 1,290 dwellings towards the Council's Local Plan requirement. The Council currently has 1021 open applications of the Housing Register of people requiring affordable housing. The ongoing delivery of affordable dwellings will substantially respond to an identified need.

The Arun Local Plan policies require provision to be made for housing for the elderly. The development indicatively provides for a care home provision within the District, located adjacent to Barnham Railway Station and the northern arc. Such locations, in principle, would provide policy compliance within subsequent planning application stages.

The Framework Masterplan will provide for opportunities for self-build and community led housing to be explored and consideration will be given to including an area dedicated to self-build plots as part of individual planning applications. This approach is consistent with the approach advocated in the Arun Local Plan Policies.

HIGHWAYS AND ACCESS:

Relevant Policies:

ALP T SP1: Transport and Development, ALP T DM1: Sustainable Travel and Public Rights of Way, HLDP SDP1: Access and Strategic Movement, HLDP SDP4: Pedestrian and Cycle Links, HLDP SDP5: Centres and Walkable Neighbourhoods and BENDP GA1: Connection to Sustainable Transport, BENDP GA2: Footpath and Cycle Path Network, BENDP GA3: Contributions to Maintain and Improve the Network, BENDP GA4: Parking and New Development, BENDP GA5: Commuter Parking, BENDP EE5: Retention of Existing Car Parks and ANDP GA3: Parking and New Development.

The access to the site will fall off the new A29 road running through the centre of the site. The re-aligned A29 road will relieve congestion off the existing A29 along the Lidsey bends, Woodgate crossing and Barnham village centre.

The Masterplan Framework details a series of new roundabouts along the re-aligned A29. These roundabouts will provide subsidiary access to individual parcels. The proposed road network details a hierarchy of streets of varying character which will allow their subsequent detailed design to establish these characters.

The northern portion of the A29 (north of Barnham Road) will complete the A29 relief road by diverting traffic away from Westergate and Barnham which will allow for much needed relief. This northern portion of the re-aligned A29 is being delivered by WSCC and Officers understand that an application is due to be submitted imminently. Therefore, the commitment to the southern and northern portions of the A29 will secure the much needed alleviation of existing congestion in the nearby areas.

The Framework Masterplan secures a commitment to establishing two east to west links linking the existing A29 road to the new A29 relief road. This will provide better access and connectivity to existing residents within the District and will provide much needed relief to existing problems of congestion at the Woodgate level crossing.

Arun District Council will control the phasing and release of residential parcels of the site to ensure appropriate highways mitigation is in place. This will ensure no additional highways impacts onto the nearby and wider road network result.

These access points have been discussed with West Sussex County Council in ongoing pre-application discussions and establishes the technical solution. However, Arun District Council will be encouraging the developers to consult the public and nearby residents in the progress of their individual planning applications to ensure anecdotal evidence and concerns are considered.

Wider cumulative impacts on the strategic road network (namely the A27) will be considered at planning application stage. Officers have encouraged the developers to liaise with Highways England, West Sussex County Council and Chichester District Council to ensure they are able to robustly and adequately detail that no wider cumulative highways impacts will result. All developers bringing forward planning applications against this Framework Masterplan will be required to robustly demonstrate how cumulative transport impacts are mitigated at planning application stage.

The new A29 relief road will cross the existing east to west railway line. The Framework Masterplan details the use of a bridge facilitating vehicular traffic crossing this constraint. Cycle traffic will also benefit from this crossing point, in addition to a series of upgraded underpasses. The developers are currently liaising with Network Rail to establish the technical specifications and consents to deliver this crossing. However, all parties require a firm commitment in the form of this Framework Masterplan to undertake substantial work to deliver this crossing.

Officers have been in discussions with Stagecoach regarding bus service provision throughout the site. They have confirmed that the desire is to provide stops along the main road only, which will ensure residents are no more than 400m walkable distance from a key bus route.

They have reiterated that providing an effective bus service relies upon direct, door-to-door services, so far as reasonably practicable. When a bus service takes longer or is more arduous than taking the private motor vehicle, then user preference sways towards private car usage. On this basis, there would be no functional rationale to providing services into subsidiary roads off the re-aligned A29. The site is well served by existing stops which allows for the 400m walkable distance to services at bus stops.

Bus services and bus stop provision will be initially funded by developers through a comprehensive S106 infrastructure package. Bus stops will thereafter be maintained by Arun District Council. Services will be proportionately phased in, commensurate with population and infrastructure growth, to ensure capital expenditure released by the developers can be utilised for as long as possible.

The Framework Masterplan makes a commitment to *a network of existing pedestrian links will be enhanced and linked to the proposed network of pedestrian and cycle links.* Subject to

more detailed feasibility work, such links could include links to the new secondary school route. Such connections will be reliant upon agreements with adjacent landowners.

PEDESTRIAN AND CYCLE ACCESS/PERMEABILITY:

Relevant Policies:

ALP T SP1: Transport and Development, ALP T DM1: Sustainable Travel and Public Rights of Way, HLDP SDP1: Access and Strategic Movement, HLDP SDP4: Pedestrian and Cycle Links, HLDP SDP5: Centres and Walkable Neighbourhoods, HLDP SDP7: Place-Making Objectives and BENDP GA1: Connection to Sustainable Transport, BENDP GA2: Footpath and Cycle Path Network, BENDP GA3: Contributions to Maintain and Improve the Network, ANDP GA1: Promoting Sustainable Movement, ANDP GA2: Footpath and Cycle Path Network.

The Framework Masterplan proposes a strategy to integrate the Strategic Site with existing pedestrian and bicycle routes to ensure the site functions and operates as part of Barnham, Eastergate and Westergate. This approach towards ensuring wider connectivity was agreed, in principle, as being an acceptable basis to which future planning applications should accord within initial pre-application discussions.

The Framework Masterplan sets out that the network for pedestrians and cyclists will comprise a combination of:

1. Footpaths (including enhancement to the existing Public Rights of Way)
2. Footpaths plus separate cycle lanes
3. Footpaths and segregated cycle lanes
4. Shared-use pedestrian and cycle routes

The key north to south link throughout the site will be delivered through the provision of the Linear Park, which will provide much needed connectivity between Barnham, Eastergate and Westergate to Bognor Regis. These connections will link with the existing connectivity which will enhance the wider connectivity across the District. These connections will ensure the development is experienced as an organic whole.

The definitive materials and detailing of these routes will come forward in future planning applications as part of the delivery of this Framework Masterplan. However, this strategy provides a commitment to a network and hierarchy of connectivity across the site which accords with the Arun Local Plan policies.

Arun Local Planning policy requires priority to be first given to the cyclist. The hierarchy of routes, combined with their according connections, will allow for this to be delivered in subsequent planning applications.

FLOOD RISK AND DRAINAGE:

Relevant Policies:

ALP ENV SP1: Natural Environment, ALP W SP1: Water, ALP W DM1: Water Supply and Quality, ALP W DM2: Flood Risk, ALP W DM3: Sustainable Urban Drainage Systems, HLDP SDP21: Surface Water Management, HLDP SDP25: Integrated Water Management and BENDP ES1: Flooding, Drainage and New Development, BENDP ES2: Water Courses,

BENDP H7: Drainage for New Housing, ADNP EH4: Protection of Watercourses and ANDP EH5: Surface Water Management.

The Strategic Site features a high-water table as existing. Anecdotally, this has then been further exacerbated by periods of peak rainfall which has historically led to surface water storage across the site. This matter was raised throughout the engagement points with the developers throughout Advisory Group Meetings and pre-application meetings.

In response to this, the Framework Masterplan provides an indicative drainage strategy which will be confirmed once the outcome of winter groundwater monitoring and percolation testing has been undertaken.

The Framework Masterplan provides a commitment to 'retain and integrate the existing watercourses into the landscape framework and introduce sustainable drainage measures such as attenuation ponds and swales'.

The Framework Masterplan details that the required quantum of space can be provided to accommodate the required number of SUDS to ensure the predicted allowance in surface water increases could be mitigated. The finalised drainage strategies will be required to take into account climate change allowances and future increases in hard surfacing.

Due to the phased nature and long term build out of a development of this size, the Local Planning Authority has been stringent with the developers in ensuring that each phase will be capable of being adequately drained on an individual phase, but also have the functionality to operate as part of the wider whole. This will allow for phases to be released without resulting in interim nor long-term drainage issues.

The Framework Masterplan provides the Local Planning Authority with the appropriate controls to ensure that each parcel is adequately drained and works as a wider collective whole, whilst taking into account increased flows in water.

INFRASTRUCTURE DELIVERY AND PROVISION:

The Framework Masterplan is a placemaking document and does not detail specific requirements regarding infrastructure provision. This matter is required for separate consideration at planning application stage.

However, to provide satisfaction that the detailed placemaking will be supported by the appropriate infrastructure, individual planning applications will all contribute towards on-site and/or off-site provision of highways, education, green infrastructure, libraries and sports pitches and utilities/service/suds.

Throughout the pre-application discussions Officers have been liaising with the appropriate service provider bodies to both ensure delivery and service provision of these infrastructure items.

The delivery of infrastructure will be subjected to a phasing plan which will be assessed and, subject to acceptability, subsequently approved as part of the outline planning application. This will ensure that infrastructure is delivered in line with new development to ensure it is available for those who need it, when they need it.

Funding for infrastructure will come from both committed projects where contributions have already been provided as part of existing planning applications. However, the majority of funding will come from developer contributions as part of the subsequent planning applications. The Strategic Site is CIL exempt which provides the District Council with the full scope of powers to require all necessary infrastructure contributions to ensure their delivery.

LANDSCAPE:

Relevant Policies:

ALP HWB SP1: Health & Wellbeing, ALP OSR DM1: Open Space, Sport & Recreation, HLDP SDP3: Strategic Green Connections, HLDP SDP7: Place-Making Objectives, HLDP SDP16: Landscape and Green/Blue Infrastructure, HLDP SDP17: A Rich Variety of Open Spaces, HLDP SDP18: Treescape and BENDP ES3: The Local Gap/Green Infrastructure Corridor, BENDP ES4: Protection of Open Views, BENDP ES10: Trees and Hedgerows, BENDP H4: Integration of New Housing into Surroundings, BENDP H5: Outdoor Space and ANDP EH6: Protection of Trees and Hedgerows.

The Framework Masterplan highlights that green space throughout the site will namely comprise the Linear Park which will enhance the character and setting to the Lidsey Rife. This will support a varied range of flora and fauna into the Linear Park and provide an accessible destination for the existing and proposed neighbourhood for leisure and recreation.

In addition to the Linear Park the Framework Masterplan allows for several typologies including; parks & gardens, amenity open space, natural/semi-natural space, pitches and allotments. In addition to these will be a variety of play spaces.

Further, there will be a series of key green routes throughout the site that connect the Linear Park including along the east to west railway line and wider perimeter of the site. These will connect trees, footpaths, play areas, active corridors as well as wildlife corridors to establish a strong landscape framework within which the new neighbourhoods will sit.

The Strategic Site allocation will retain views of the South Downs National Park from along much of the existing network of public footpaths. This will be particularly facilitated by the provision of the Linear Park which will safeguard such views and the wider setting. Within detailed planning applications Officers will seek to secure key views within the site to maintain the appreciation of the South Downs setting.

The Framework Masterplan exceeds a policy compliant level of public open space as a whole. Accordance with this Framework, which subsequent planning applications would be required to accord with, would secure this valuable contribution towards public open space for the District.

The Arun Green Infrastructure Study advocates new green spaces to be linked to existing green spaces to establish a wider green network throughout the District. The provision of the green infrastructure detailed within the Framework Masterplan would allow for the delivery of integral elements to this network, in accordance with the Council's aspirations.

PHASING:

The Framework Masterplan sets out preliminary phasing which indicates when specific elements of infrastructure could be introduced, commensurate to the delivery of dwellings. All final phasing will be conditioned as part of a phasing plan submitted at outline stage.

Phase 1 (running total 660 homes)

Alongside the first 660 homes (Phase 1) would see the A29 Phase 1 delivery – Barnham Road to Fontwell Avenue. This road would be delivered by WSCC. Officers support the early delivery of this northern portion of the A29 to facilitate subsequent parcels of development.

Phase 2 (running total 1,530 homes)

Delivery of the connection to Phase 1 of the A29 re-alignment (Barnham Road connection), the first primary school delivery and additional parking facilities to serve Barnham Station would be delivered.

However, the land will be made available for this purpose and the subsequent delivery of the school will be funded by developer contributions and undertaken by developers or Academy Trusts. Funding will be in place and the existing primary schools in the nearby locality are at capacity. This context therefore ensures (so far as can be reasonably ensured) that delivery of the school will take place after the first 1,530 dwellings are released.

Officers support the early delivery of the first primary school on the site. However, the additional parking facilities to serve Barnham Station would require the routing of vehicles around the existing road network and not through the new established road network. The additional vehicles would only derive from the first 1,530 homes, of which not all will require access to Barnham Railway Station. Notwithstanding this, Officers acknowledge the benefit that this early delivery of infrastructure will have on the wider community which will alleviate existing pressures in the nearby locality of Barnham.

Phase 3 (running total of 2,060 homes)

Phase 3 would see the delivery of one of the local centres, the delivery of the Linear Park, east/west link and connections north of the railway line. Officers support the early delivery of these connections.

Phase 4 (running total of 2,800 homes)

Phase 4 would see a further 740 homes released which would be delivered in line with the second primary school. This would ensure that the new development which would be $\frac{3}{4}$ of the way through its delivery would have full primary school capacity provided. Such delivery of this key infrastructure would be supported.

However, Officers raise concern regarding the absence of the delivery of the A29 and how access to the second primary school, south of the railway line, would be accessed. The phasing plan in its submitted form does not stipulate the provision of the remainder of the A29 and there would be no backstop position which would require this delivery.

Whilst Officers envisage this would be addressed within the phasing plans submitted in subsequent outline planning applications, Policy H SP2 is clear that development should be delivered in accordance with an endorsed Masterplan Framework. This phasing plan, included within the Masterplan Framework, does not seek to deliver the re-aligned A29 in its full capacity. On this basis Officers recommend the removal of Chapter 8 (Phasing & Delivery) should Members proceed to endorsement.

Phase 5 (running total of 3,560 homes)

Phase 5 would see a further 760 homes release which would be delivered in line with the second local centre including the library, sports hub and secondary vehicular connection to Lidsey Road.

Officers raise concerns over the late delivery of the Sports Hub towards the latter half of the development. The sports hub sits within the Linear Park which would be delivered in Phase 3 of the development. There would be no impediment or restriction preventing the phased delivery of the sports hub between phases 3 – 5. Such an approach would build the sports provision in line with population increase. Delivering a combined total of 3,560 homes which could take a substantial period of time, without the support of sports facilities, would detrimentally impact upon the health and wellbeing of future users of the development. On this basis, Officers are unable to support such late delivery of the sports hub when a phased delivery could be reasonably achieved.

Phase 6 (running total of 4,300 homes – completion of development)

Phase 6 would see the final delivery of residential dwellings within the site and the completion of the development. No infrastructure is set to be delivered within Phase 6 with all infrastructure requirements having been delivered in Phases 1 – 5.

Based on the Officer concerns with the preliminary phasing, specifically around the delivery of the sports pitches and re-aligned A29 road, we recommend that Chapter 8 of the Framework Masterplan be removed with endorsement contingent upon this deletion.

Officers will agree definitive phasing within an outline application and therefore adequate control is present within the subsequent stages to ensure this matter can be addressed through the relevant legal frameworks.

HEALTH AND WELLBEING:

Relevant Policies:

ALP HWB SP1: Health and Wellbeing, ALP OSR DM1: Open Space, Sport and Recreation, ALP INF SP1: Infrastructure Provision and Implementation, HLDP SDP1: Access and Strategic Movement, HLDP SDP3: Strategic Green Connections, HLDP SP4: Pedestrian and Cycle Links, HLDP SDP5: Centres and Walkable Neighbourhoods, HLDP SDP7: Place-Making Objectives, HLDP SDP12: Integration with Established Communities, HLDP SD19: Sports Facilities, HLDP SDP22: Infrastructure and BENDP GA1: Connection to Sustainable Transport, BENDP GA2: Footpath and Cycle Path Network, BENDP EE7: Support and Promote Recreational and Tourism Activities and ANDP LC2: Healthcare Facilities.

The Framework Masterplan supports the health and wellbeing objectives of the District Council by facilitating an indicative layout where most homes will be bounded by, or will have easy ready access to, public open space.

Access to local centres in the north and south of the development are made through the extensive network of footpaths and cycleways that will be delivered throughout the site, promoting a pedestrian and cyclist first approach as advocated by local planning policy and best practice.

The development features a new Linear Park which spans throughout the extent of the development. Both new and existing residents in the nearby locality will benefit from the provision of this new asset to the District.

In addition to the design and placemaking objectives, the Framework Masterplan will also support the delivery of infrastructure including 2 no. new grass pitches and a new all-weather pitch (constructed to 3G standard or equivalent) and indoor sports facilities.

Their positions, being well located for future residents and existing residents, as indicated by this Framework Masterplan, ensures it is within easy walking access by all. The Framework Masterplan will therefore deliver health and wellbeing benefits to all.

BROADBAND/HIGH SPEED INTERNET PROVISION:

Relevant Policies:

ALP EMP DM1: Employment Land: Development Management, H SP2: Strategic Site Allocations, ALP INF SP1: Infrastructure Provision and Implementation, HLDP SDP22: Infrastructure, HLDP SDP29: Broadband and BENDP EE1: Support for Business and BENDP EE3: Support for New Commercial Uses.

The Framework Masterplan does not make a commitment to the delivery of high speed internet and broadband provision. In the pursuit of supporting the commercial and community uses, Officers will be able to ensure subsequent planning applications will be designed to access the highest level of broadband available at the time; subject to technical and economic viability. This is a common method for securing such infrastructure throughout the Planning system.

SUMMARY:

The Framework Masterplan sets out the vision for the delivery of the Barnham, Eastergate and Westergate (BEW) Strategic Site Allocation and sets the principles against which subsequent planning applications would be assessed.

This Officers report has considered the key principle issues against the according Local Plan, High Level Development Principles and Neighbourhood Plan policies. Based on the layout submitted and the principles contained within, the Framework Masterplan would deliver a development that is compliant with the Development Plan.

The Framework Masterplan allows for the provision of additional high quality, accessible open space to existing and future residents of the District and provide a betterment in terms of sports and leisure provision.

The Framework Masterplan will deliver a further 4,300 homes within its lifetime which will assist in the Council in achieving 20,000 dwellings throughout the Local Plan period. This delivery will also allow for approximately 1,300 affordable homes to be delivered in the District.

Officers have worked closely with the developers throughout the pre-application period on the lead up to the submission of this Framework Masterplan document to ensure adherence with the local and national planning policy requirements and supplementary planning documents.

Subject to the deletions outlined in the earlier sections of this report we therefore recommend that the Framework Masterplan document should proceed to formal endorsement.

RECOMMENDATION

Subject to the deletions of Chapter 8, satisfactory amendment of the southern local centre, we therefore recommend that the 'Barnham, Eastergate & Westergate Draft Framework Masterplan Version for Endorsement' (version reference/date to be confirmed following amendment to local centre) should be endorsed.

Officers recommend that any endorsement should be undertaken on the condition that a further Phasing and Delivery Plan being submitted to Officers for consideration and Appended to the endorsed Framework Masterplan.

NEXT STEPS

Subject to endorsement of the Framework Masterplan the developers will then use this as the basis on which subsequent planning applications will be based.

Officers understand that an outline planning application would not be submitted to Arun District Council any earlier than spring 2021. This would be outline in nature and would be reliant upon technical assessments and studies being used to inform final detailed design which accords with the principles set out in this Framework. Any applications that come forward will need to be supported by evidence that adequately demonstrates the additional infrastructure requirements have been tested.

The developers will be retaining dialogue with Officers at Arun District Council in the evolution of the outline application to ensure consistency with the placemaking principles set out in this document.

Officers and the developers will be continuing to liaise in further detail with the key stakeholders and consultees, including West Sussex County Council and Highways England, as detailed designs are evolved. The developers will be undertaking further consultation with those bodies detailed in the former sections of this report and will be engaging with residents as the proposals develop.

Prior to the spring 2021, the developers and Officers will be reporting to the BEW Advisory Group members to ensure dialogue is maintained as detailed proposals develop.

The developers will undertake a further three week consultation period run by themselves. Then, upon the submission of the outline planning application, the development proposals will be subject to a further 21 day consultation period run by Arun District Council. This will achieve a further 6 week's of formal consultation before any decisions are taken on the outline planning application.

Once any outline planning applications are approved, all detailed development will then be subject to a further series of Reserved Matters applications for individual parcels. Based on the above indicative timetabling, Officers do not envisage such Reserved Matters consents to be submitted until the latter half of 2021 at the earliest.

AGENDA ITEM NO.

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF DEVELOPMENT CONTROL COMMITTEE ON 25 NOVEMBER 2020

SUBJECT: Options for introducing further controls on the definition, number and quality of Houses in Multiple Occupation

REPORT AUTHOR: Kevin Owen, Planning Policy Team Leader

DATE: 26 August 2020

EXTN: x 37853

PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

This report considers whether there is evidence (e.g. regarding impact on amenity) to support the case for the authority to introduce further controls on Houses in Multiple Occupation (HMO) from the planning perspective and what those options are (e.g. Article 4 Direction).

RECOMMENDATIONS:

That Development Control Committee recommends to Full Council that: -

- 1) The Council undertake further research with housing services in order to establish robust evidence to determine the justification and role for designating Article 4 Direction(s) in Bognor Regis as a priority and to keep the matter under review for Littlehampton, unless the work also confirms that there is sufficient justification to bring a further Article 4 Direction(s) forward at the same time.

PROPOSAL(S):

- 1.1 At the meeting of Full Council on 25 February 2020 a motion was received from the Liberal Democrat Group in accordance with Council procedure 14.1 and 14.2 which stated: -

“The Council is asked to support a request for officer to explore what options might exist for introducing further controls on the definition, number and quality of homes in Multiple Occupation and prepare appropriate reports for the relevant decision body of the Council.”

The reasons why such additional controls are considered necessary is that HMO's are often concentrated in clusters. These are areas that can often suffer from poor housing conditions and high levels of deprivation, crime and anti-social behaviour. Introducing further controls would be expected to contribute to an improvement in the social and economic conditions in the areas; a reduction in anti-social behaviour; an improvement in general housing conditions; and a reduction in the level of deprivation; and a reduction in crime."

- 1.2 The motion was debated and amended to delete the second paragraph and on being put to the vote it was carried.
- 1.3 This report considers the regulation of Houses in Multiple Occupation (HMO) from a planning perspective. A separate report was considered at the Housing and Customer Services Working Group (HCSWG) on 5 November which deals with the licensing regulation of HMOs and related evidence. The HCSWG meeting concluded and agreed that it would be necessary to seek additional funding in order to obtain robust evidence and to refer this on to Full Council. There are some differences in the HMO definition for planning compared to licensing purposes however, both require shared objective evidence on HMO impact on amenity and the local community and the appropriate measures of control that can be justified and considered.

The Definition of HMO

- 1.4 The Government definition of a House in Multiple Occupation, commonly known as a HMO, is a property rented out by at least three people who are not from one 'household' (for example a family) but share facilities like the bathroom and kitchen. It is sometimes called a 'house share'.
- 1.5 Generally, HMOs are defined as either small HMOs (as above) or large. The planning definition set out in the Town and Country Planning (Use Classes) Order 1987 (as amended in October 2010) distinguishes between large and small HMOs: -
- 'Small' HMOs of up to six people are C4 use class and can convert to C3 housing via permitted development;
 - 'Large' HMOs of seven or more occupants are 'Sui Generis' use class requiring planning permission;
- 1.6 The Council is considering whether there is evidence to justify bringing those HMOs that fall outside of planning regulation (i.e. C4 use class which enjoy permitted development rights) into the development management process through an appropriate mechanism (e.g. such as an Article 4 Direction - see section 1.10 below). Such a mechanism may be necessary where HMOs are generating amenity issues individually or cumulatively, within an area. This intervention would allow proper planning regulation though requiring the HMO to be determined following submitting a planning application. The effect of this could be to improve the standard and/or restrict the presence HMO development. For background, the adopted Arun Local Plan 2018 policy to regulate HMOs that are subject to planning permission, is set out in Appendix 1. The broader context for this issue is already significant at the national level and is described below.

House of Lords Select Committee Report: 'The Future of Seaside Towns'

1.7 In April 2019, the House of Lords Select Committee on Regenerating Seaside Towns and Communities published 'The Future of Seaside Towns' report to consider the regeneration of seaside towns and communities. Chapter 5 of the report looks at housing, wellbeing and the built environment.

1.8 Housing issues emerged as one of the most prominent concerns voiced by coastal towns including the impact of a proliferation of HMOs generating a number of social, economic and management challenges. Although not unique to coastal towns, they typically sustain high incidences of poorer housing stock often associated with HMO conversion arising from:-

- redundant tourism accommodation
- former hotels
- bed and breakfast accommodation

1.9 Much of the oversupply of the above stock in coastal towns is characterised by conversion to the private rented sector and HMOs. This is often achieved by maximising occupancy into smaller or shared units to maximise rental returns and is often at the expense of the quality and standard of accommodation. Such accommodation may be characterised by households on housing benefit and of a vulnerable/transient nature and a high dependency on social infrastructure.

1.10 An over concentration of such housing is perceived as a barrier to regeneration, investment and social cohesion, including blighting areas of seaside towns. The select committee published 38 recommendations. In particular, recommendation 20:-

"We recommend that the Government determines whether local authorities require additional powers to address the problems arising in areas with especially large numbers of HMOs. This determination should include the introduction of measures that enable local authorities to safeguard resources necessary for the enforcement of housing standards. (Paragraph 217)"

1.11 The Government's response was published in June 2019 and in response to this question, advised that local authorities already have flexibility through local financial settlements to improve community services backed by recently strengthened powers to regulate against proliferation of HMOs and/or poorer housing conditions through licensing and selective licensing, including enforcement and penalties. However, elsewhere in the response, the Government acknowledges the need for further work and coordination on the scale and impact of transient and vulnerable populations in and out of coastal areas.

1.12 This report therefore, focuses on the local evidence for imposition of Article 4 Directions. Licensing is covered in the separate report to the Housing and Customer Services Working Group.

Distribution of HMOs in Arun District

1.13 The Council keeps a public register of licensed HMOs in the District. The public register can be found on the Council's website: <https://www.arun.gov.uk/hmo>

1.14 Maps 1 – 5 in Appendix 4 show the location, distribution and main concentrations of all known HMO's in the District using the Council's register. These maps focus on Littlehampton and Bognor Regis as the main urban areas in the District which show that the main clusters/concentrations are firstly, within Bognor Regis, then Littlehampton and tend to correlate with the core (commercial centre/station, transport and town centre hub environments) although some relate to the seafront and riverside locations or older locations with town houses or property lending itself to conversion.

1.15 Data on Multiple Deprivation Index 2015 indicators for the Lower Layer Super Output Areas by Ward and housing areas in Arun, which most closely approximate these clusters, provide some contextual correlation to antisocial behaviour and social/physical living conditions e.g.: -

- Crime;
- Barriers to housing and services;
- Living environment etc.

1.16 However, analysis shows that very few LLSOA fall below the 5th decile for the above indicators (decile 1 being 10% most deprived in England and decile 2 next worst 10% etc) with the exception of :-

Bognor Regis

- Craigwell Aldwick East = 3 decile for barriers to housing and services;
- Felds Estate Aldwick East = 4 decile for barriers to housing and services
- Hotham = 2 decile crime; 3 decile barriers to housing services
- Hotham East - 2 decile crime; 2 decile barriers to housing and services
- London /road = 2 decile crime; 4 decile barriers to housing and services; 2 docile living environment;
- Glenwood Estate = 4 decile crime; 3 decile barriers to housing and services
- Gordon Avenue = 3 decile living environment
- Marine = 1 decile crime; 2 decile living environment
- Nywood Lane= 4 decile crime; 4 decile living environment
- Canada grove = 1 decile crime; 2 decile living environment
- Seafront = 1 decile crime; 1 decile living environment
- Elmer = 3 decile barriers to housing and services
- Orchard = 3 decile c rime
- Hampshire Avenue = 3 decile crime
- Annandale Avenue = 3 decile crime; 4 decile barriers to housing and services; 3 decile living environment
- Pevensy Road = 3 decile crime
- Gravits Lane = 4 decile crime
- Sportsground = 4 decile crime

Littlehampton

- Beach = 4 decile for crime

- Beach Norfolk Road = 3 decile crime; 4 decile barriers to housing and services; 1 decile living environment
- Brookfield = 3 decile barriers to housing and services
- North Beaumont = 2 decile barriers to housing and services
- Courtwick = 3 decile crime; 4 decile barriers to housing and services
- Clun Road = 2 decile crime; 4 decile barriers to housing and services 4 decile living environment;
- East Ham Road = 1 decile crime; 2 decile living environment
- River = 1 decile crime; 2 decile living environment
- Riverside rope walk = 1 decile crime; 3 decile barriers to housing and services; 1 decile living environment
- East Street = 3 decile crime
- Irvine Road= 3 decile crime; 3 decile barriers to housing and services; 1 decile living environment
- Broadmark west Rustington = 3 decile barriers to housing and services

Evidence in Arun District HMOs and Amenity

1.15 Available data (which is incomplete in 2018) from the Councils Private Sector Housing and Public Health department for 2018 and 2019 suggests the following. incidents of complaints in relation to HMOs received by the Council in relation to private sector housing and noise: -

Table 1: Incidents of Complaints

Year (1 st January – 23 December)	Private Sector Housing Complaints		Noise Complaints		Comment
		HMO		HMO	
2018	*		508	12	*Total unavailable due to IT system upgrade
2019	419	72	456	11	

1.16 HMOs may represent a low feature of private sector housing complaints. Noise in particular, appears to be a relatively low feature of HMO complaints in each year.

1.17 Further breakdown shows that in 2019 for private sector housing complaints, only 20 arose in Littlehampton of which only 3 in relation to HMOs (HMOs account for only 11 overall noise complaints). The balance appears to be mainly within Bognor Regis or elsewhere in the district.

1.18 While the available data from the /council's monitoring systems is not comprehensive, the initial evidence suggests that there is some evidence of HMO related incidences of complaint although modest for noise, when compared to other forms of private sector housing and appears modest for Littlehampton compared to Bognor Regis or other areas. Other evidence available is considered below.

Further Evidence

Stock condition survey

- 1.19 Arun District Council along with 3 other West Sussex local authorities, obtained some limited Government funding to have a stock condition survey undertaken by the Building Research Establishment (BRE). This was a desktop based survey over a short time frame, reflecting the limited funding available.
- 1.20 The 2019 data survey is ward based and shows the number of dwellings in each ward (See Appendix 2 Stock Condition Survey 2019), broken down to owner occupied and private rented. It also shows how many properties have a Category 1 hazard indicator (if a hazard is a serious and immediate risk to a person's health and safety, this is known as a Category 1 hazard). It also shows the number of HMOs and how many are licensable in each ward. This data can only infer amenity issues where Wards have high category 1 incidences and a corresponding presence of high numbers of HMOs. The most significant comparisons for highest numbers are for Marine and River Wards.

District Wide Housing Stock Type and BRE Data

- 1.21 The extract of data (See Appendix 3) and conclusions of the licensing report to Housing and Customer Services Working Group (22 October), suggests that currently, the level of HMO representation in the private rented housing stock is 9% similar to the national picture. However, there is insufficient evidence of poor HMO housing stock condition, in relation to additional licensing and in relation to crime antisocial behaviour for selective licensing schemes.

Control options open to the Authority

- 1.22 The Adopted Arun Local Plan (2011-2031) sets out a policy for regulating HMO developments for those C3 class housing changes of use/conversions that require planning permission (i.e. excluding smaller C4 use HMOs which enjoy permitted development rights), in the interests of securing well balanced sustainable communities, with adequate parking and social infrastructure.
- 1.23 The policy strikes a balance recognising the contribution of HMOs to the economy particularly, as a source of housing for people on low incomes, those on benefit payments, students, seasonal workers and those starting off in the economy as young professionals. However, the policy also recognises that a large concentration of HMOs can have significant and potentially damaging impact on the amenity of a local area, such as noise and disturbance, generation of more refuse and a greater demand for off-street parking.
- 1.24 Three options are suggested below for the authority to consider. In selecting any option, the Council will need to satisfy itself that there is sufficient evidence to justify its approach because of the regulatory requirements of introducing planning statutory instruments and licensing control requirements as described below.

1. Article 4 Direction

- 1.25 Development Control Committee will be familiar with the application of Article 4 Directions under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the regulation of extensions and other changes to buildings within Conservation Areas. This instrument removes specified permitted development rights and can be applied to a defined area or to the whole of the authority area.
- 1.26 In relation to HMOs, this instrument would bring proposals for change of use/conversion of C3 housing to class C4 under the Development Managed process requiring a planning application and determination against policies and material considerations. Consequentially, planning fees would however, be forgone.
- 1.27 The National Planning Policy Framework (paragraph 53) requires the use of Article 4 Directions to be limited to situations where it is “necessary to protect local amenity or the wellbeing of the area” and they should not be used unless there is “clear justification” for doing so.
- 1.28 The National Planning Practice Guidance (PPG) further states that evidence is required to justify the purpose and extent of the Article 4 Direction, to demonstrate that such action is needed to protect local amenity or well-being of the area. The PPG also requires the potential harm that the Direction is intended to address to be clearly identified. Finally, it requires there to be a “particularly strong” justification if a Direction is to relate to a wide area (for example covering the entire area of a local planning authority).
- 1.29 Two types of Article 4 Direction can remove permitted development rights: -
- Procedure for article 4(1) 1. directions without immediate effect – requires a local advertisement giving 6 weeks’ notice (specifying the date the direction comes into force); including notice displayed at 2 locations in the affected area or on site; and notice to each affected owner/occupier if practicable; notice to the secretary of state; 21 day representation period; confirmation by the LPA of the date the direction comes into force taking into account representations (i.e. not earlier than 28 days from representation period and no later than 2 years
 - Procedure for article 4(1) 2. directions with immediate effect - the authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area; a draft direction is sent for approval by the secretary of state; following approval notice is advertise (and given to the secretary of state); and served on the owner or occupier (being the date the direction comes into force); the local planning authority must consider any representations made in response to the notices/advert in not less than 28 days and not more than six months; and give notice of the confirmation of the in the same way that it notified the making of the order.

3. Further Monitoring and Review

- 1.30 The incomplete monitoring picture makes any clear justification for intervention under either option 1 or 2 above circumstantial. While the clustering of HMOs is quite striking

in inner areas of Bognor Regis and Littlehampton – there is only modest evidence of amenity nuisance. Bognor Regis arguably, appears to show more issues comparatively, and should be prioritised for further evidence gathering to consider whether Article 4 Direction is justified. There is some evidence to support that Littlehampton is kept under review by planning and housing services, and to ensure that monitoring systems are enhanced and better coordinated on the amenity and regeneration implications of HMOs in the district. To act now without robust evidence may risk challenge and intervention by the secretary of state. At this unprecedented time of the Covid-19 virus pandemic – there are added risks, concerns and considerations. Further guidance may need to be sought from Government on the role of this housing sector in addressing amenity and regeneration issues but also in terms of overcrowding and on health, wellbeing as well as access to affordable accommodation.

Conclusion

1.31 There is sufficient evidence on clustering and contextual information on amenity and deprivation related issues to guide the Council to undertake further research in prioritising specific wards and areas in Bognor Regis. Planning should work together with housing services in order to establish robust evidence to determine the justification and role for designating Article 4 Direction(s) in Bognor Regis as a priority. The matter should be kept under review for Littlehampton unless the work also confirms that there is sufficient justification to bring a further Article 4 Direction(s) forward at the same time.

3. OPTIONS:

The following options are available to Members:

- To agree the report to ensure that effective measures to control and manage HMOs are evidence, justified and implemented accordingly;
- or not to agree the report and the risk that the ongoing and future management and regeneration of the seaside towns within Arun are undermined.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors	x	
Other groups/persons (please specify):		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal		x

Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		

6. IMPLICATIONS:

There are no immediate implications for Arun District arising from this proposed response. However, further resource may be needed to progress the regulatory work and to ensure that work is commissioned in future to obtain appropriate evidence.

7. REASON FOR THE DECISION:

To ensure that planning policy and implementation is supported by robust evidence that will justify the appropriate form of regulation of development within Arun which can protect amenity and to ensure that residents are housed to an appropriate standard.

8. EFFECTIVE DATE OF THE DECISION: *Committee Services to insert*

9. BACKGROUND PAPERS:

Appendix 1: Planning Policy Background to Houses in Multiple Occupation

Appendix 2: Stock Condition Survey 2019

Appendix 3 Extract Housing and Customer Services Working Group Report (22 October 2020) - District wide Housing Stock Type and BRE Data

Appendix 4: Location, distribution and main concentrations of all known HMO's using the Council's register

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