

PLANNING APPLICATION REPORT

REF NO:	BN/147/21/OUT
LOCATION:	Land West of Fontwell Avenue Fontwell Eastergate PO20 3RX
PROPOSAL:	Outline application with all matters reserved (except access) for the erection of up to 8 No. dwellings. This application also lies within the parish of Aldingbourne. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Although layout is a reserved matter, an indicative layout has been provided which shows areas of new homes with gardens and parking plus new landscaping and the retention of the existing boundary vegetation (with no removal required to access the site). The application proposes a single access taken from the adjoining site which benefits from an approved new access point onto Fontwell Avenue. The connection to the approved road would be 5.5m wide and would be a shared surface arrangement.
SITE AREA	0.38 Hectares
RESIDENTIAL DEVELOPMENT DENSITY	Up to 21 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but there is a high point of approx. 16.8m AOD (Above Ordnance Datum) in the north western corner and the eastern and southern boundaries are between 16-16.2m AOD resulting in a slope across the site.
TREES	The application does not propose to fell any trees but does seek to remove a 5m section of a mixed species ornamental hedge and a 2m section of a Beech hedge. Existing trees to the south-eastern, south-western and north-eastern boundaries which form part of longer 'runs' of trees are all being retained.
BOUNDARY TREATMENT	Mixed including post & rail/post & wire, timber fencing (to the Northfield Farmhouse driveway) and 2m high hedging.
SITE CHARACTERISTICS	The site comprises land associated with 1 Northfields Farm Cottages and comprises areas of grass, a manege, hardstanding & car parking, stables and other barns/outbuildings. The site is presently accessed from Northfield Farmhouse's driveway which is a private road serving 4 dwellings.
CHARACTER OF LOCALITY	Rural in character with few neighbouring residential properties although new housing has recently been approved on land to

the immediate north and north west. To the immediate east are nos. 1 & 2 Northfield Cottages. Beyond these on the opposite side of Fontwell Avenue there is a mix of open land and dwellings.

RELEVANT SITE HISTORY

AL/113/21/OUT	Outline application with all matters reserved, apart from access, for up to 69 No dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.	
BN/55/21/NMA	Non-material amendment following grant of BN/50/20/PL to remove all un-integrated garages and standalone car ports from the scheme and replace with full parking spaces.	Approve 10-05-21
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.	App Cond with S106 11-12-20
EG/23/15/PL	Demolition of timber barn for proposed 1 No residential annexe	ApproveConditionally 26-05-15

Permission was granted on the site under EG/23/15/PL for a residential annexe on the footprint of a barn. This has not been implemented and the permission has expired. The adjoining site to the north from which access will be taken received permission in December 2020 for 42 dwellings (BN/50/20/PL) and this has commenced. AL/113/21/OUT is a site to the northeast which part adjoins the site and is accessed through BN/50/20/PL.

REPRESENTATIONS

Barnham and Eastergate Parish Council object - site is not allocated in Neighbourhood Development Plan, will result in traffic impact on the A29, is not conveniently located for walking and does not comply with Policy H1.

Aldingbourne Parish Council object - not in accordance with their Neighbourhood Development Plan, traffic impact on the A29 and no details of the use of renewable energy or low carbon construction.

One letter of objection - a controlled crossing needs to be provided on the A29 to improve safety.

COMMENTS ON REPRESENTATIONS RECEIVED:

These matters are considered in the conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - state no comments.

SOUTHERN WATER - no objection and request an informative.

PORTSMOUTH WATER - no objection subject to conditions to control site drainage and the use of any piled foundations due to the site being within 151m of a drinking water extraction point and in a water Source Protection Zone. Measures are required to prevent pollution during and post construction in order to safeguard the local public water supply.

WSCC HIGHWAYS - no objection subject to conditions to secure car & cycle parking and electric vehicle charge points. In terms of extra traffic for this proposal, it is likely to add around 4 two-way trips in the AM and PM peak hours. This is not a significant lift in levels which would trigger further assessment of the consented access point.

WSCC MINERALS & WASTE - no objection. The site/proposal size is below the threshold for consultation on minerals and it is not likely the development, if approved, would reduce the operational capacity of the existing nearby waste infrastructure.

WSCC FIRE & RESCUE - request a condition to secure additional fire hydrants.

ADC DRAINAGE ENGINEERS - request standard conditions. State that:

- The submitted strategy outlines that infiltration is proposed;
- Winter infiltration testing is required along with winter groundwater monitoring;
- At discharge of conditions stage, will need to see that all soakaways achieve minimum cover depths as required by the manufacturer;
- Portsmouth Water and the Environment Agency should be consulted regarding this application as it within a source protection zone and the site is currently used for stables; and
- Substantial made ground was found at some locations on site.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions in respect of construction hours, construction management, contamination, noise protection and electric vehicle charge points.

ADC LANDSCAPE OFFICER - no objection subject to landscaping being agreed at reserved matters stage.

COUNCILS ECOLOGIST - no objection request conditions covering lighting, protection/enhancement of hedges, management of the site to benefit reptiles, protection of birds nests, retention of existing Barn Owl box, sensitive clearance re hedgehogs & reptiles and wildlife enhancements.

COUNCILS ARCHAEOLOGIST - agree with the conclusions of Desk Based Assessment regarding the potential impact of this proposal on deposits of interest. Recommend a standard condition be imposed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section except as discussed below:

NATURAL ENGLAND - given the location of the site within 12km of the Singleton & Cocking Tunnels SAC, a Habitat Regulations Screening Report was prepared which screened the proposal out from appropriate assessment and this was issued to Natural England for review. Natural England confirmed on 11/02 that Arun DC are not required to consult Natural England when a proposed development has been screened out and therefore they did not wish to make any comments.

ADC DRAINAGE ENGINEERS - Portsmouth Water and the Environment Agency (EA) were both consulted but the EA have not responded.

COUNCILS ECOLOGIST - it is not appropriate to impose a condition to protect birds nests as this is covered by separate legislation and would 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);
 WSCC Mineral Consultation Area (Sharp Sand & Gravel);
 WSCC Waste Consultation Zone;
 Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
 Current & Future Flood Zone 1;
 Lidsey Treatment Area; and
 Water Source Protection Zone.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
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

SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Joint Minerals Local Plan 2018:

Joint West Sussex M9 Safeguarding Minerals

West Sussex Waste Local Plan 2014:

West Sussex Waste 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 ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES6

Contribution to local character

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 GA4

Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H1

Specific site allocation

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

Aldingbourne Neighbourhood Plan 2019-31 Policy
EH1

Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy
EH5

Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy
EH6

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy
H2

Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy
H3

Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy

Communications infrastructure

EE8

Aldingbourne Neighbourhood Plan 2019-31 Policy 'Unlit Village' status
EH10

Aldingbourne Neighbourhood Plan 2019-31 Policy Promoting sustainable movement
GA1

Aldingbourne Neighbourhood Plan 2019-31 Policy Parking and new developments
GA3

Aldingbourne Neighbourhood Plan 2019-31 Policy Protection of bat habitats
EH12

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Barnham & Eastergate Neighbourhood Development Plan (BENDP) are considered in this report. It is necessary to have regard to the emerging BENDP Review Plan (BENDP2) which is currently at an advanced stage having passed its examination and is a material consideration in the determination of applications. This was due to be adopted on 26 January 2022 but has been challenged by judicial review and adoption is on hold pending the outcome of this.

This site also lies in Aldingbourne and the revised Aldingbourne Neighbourhood Development Plan (made on 14/07/21) is referred to in 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 conflicts with the relevant development plan policies in that it would result in development outside of the defined settlement boundary.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For this application, the Development Plan comprises the Arun Local Plan 2011-2031 (ALP), the Barnham & Eastergate Neighbourhood Development Plan (BENDP), the Aldingbourne Neighbourhood Development Plan (ANDP) and the West Sussex Waste and Minerals Plans.

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, any conflict between the ALP and the ANDP should be resolved in favour of the latter but conflict between the ALP and the BENDP would be resolved in favour of the ALP.

Paragraph 14 of the NPPF states 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.

The Council has published its Authority Monitoring Report (AMR) for 2020/21 and this shows the Housing Land Supply (HLS) decreased from the previous 3.3 year figure to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including the very recent appeal concerning Land South of Barnham Station (BN/142/20/OUT).

On the basis of the new AMR, the policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP has recently been made (14/07/21) and does have greater weight but due to the HLS being below 3 years, neither it nor the older BENDP benefit from the weight given to recently made plans from para 14 of the NPPF. The presumption in favour of sustainable development is unaffected by Neighbourhood Plans.

Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes 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". It is no longer planned to prepare such a document and the Local Plan is to be subject to formal review. The ANDP has been reviewed and allocated additional land for housing. The emerging BENDP2 allocates additional housing land including the approved site next door (BN/50/20/PL).

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2.

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 District Local Plan and the draft policies in the 2014 publication version of the then emerging ALP. 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 as this proposal is less than 10 dwellings, it is classified as minor development and could reasonably be considered small-scale and so would gain support from policy H2.

Policy H2 of the BENDP2 has been amended to specify that windfall sites must be in the BUAB and meet 9 criteria. Policy EE8 of the BENDP2 states redevelopment of land in equestrian use will not be supported unless evidence of marketing/viability has been provided. Part of the site is an existing manege. In this case it is material that the land has been proposed by the owner for development and that the equestrian use has been impacted by the loss of the grazing fields by virtue of BN/50/20/PL. The proposal would be in conflict with both of these emerging policies.

Aldingbourne Neighbourhood Development Plan:

The ANDP was made on 14/07/21 and shows the site outside the BUAB. Policy EH1 recognises the need to provide more housing to meet the current housing land shortfall defined by the ALP and so provides an opportunity for development outside the BUAB provided it meets various criteria. Policy GA1 is relevant but has the same requirements as EH1 criteria (v). The following is an analysis of the EH1 criteria:

(i) The proposal is for 8 dwellings which represents only approximately 0.4% of Arun's annual housing needs and so is clearly proportionate to the overall housing supply shortfall defined by the ALP. The site is in both the Aldingbourne and Barnham & Eastergate parishes and so will contribute to both areas. Whilst it is acknowledged that ANDP policy H1 2019 states the Parish has exceeded its allocation by 48 units, BENDP2 policy H1 states that the allocation of 75 dwellings is a minimum and therefore allows scope for increased numbers on a particular site (this site adjoins with the Land West of Fontwell Avenue site which is allocated by the BENDP2).

Given development was quick to commence on the adjacent site (which has the same applicant), there is no reason to doubt that the site would be available in the short term albeit it will first be necessary to secure a reserved matters consent (unlike BN/50/20/PL which was a full permission).

(ii) The Landscape Officer has not raised any concerns from a landscape point of view. Lighting will be controlled befitting its rural location.

(iii) Matters of layout, scale, appearance & landscaping are reserved for a future application but it is clear from the indicative layout that the site can be developed through a landscape led approach with the existing landscaped boundaries being retained & enhanced.

(iv) The Council has determined that due to there being only very limited vegetation removal, the proposal can be screened out of the need for an appropriate assessment. Natural England have been requested to agree this position.

- (v) This report concludes although the site will be car reliant, when considering the NPPF as a whole, it is still a sustainable site. The adjacent site, permitted by BN/50/20/PL (which the site will be linked to) was considered to be in a sustainable location.
- (vi) This report concludes no adverse environmental, amenity, ground water flooding or traffic impacts.
- (vii) The site does not lie within 50m of any of the ANDP designated biodiversity corridors.

The proposal accords with the above criteria and so there is no conflict with the ANDP in respect of the principle of development.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This states that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5 year HLS cannot be demonstrated), 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 area. The part (ii) test will be applied at the end of this report.

Other Material Considerations

In January 2022 the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% thus triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

In February 2021, Arun published an Interim Policy Statement for Housing Delivery. This is not policy but it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions It is stated to only apply to sites adjacent to settlement boundaries and would not apply to this site.

Sustainability

ALP 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. 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.

Despite its countryside location, the site is sustainably located as it adjoins an approved site (BN/50/20/PL) which was considered acceptable as it was roughly equidistant between the edges of two nearby BUABs. This site, being to the south of BN/50/20/PL is 131m (as the crow flies) from the edge of the BUAB to the south and 479m from the edge of the BUAB to the north.

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. Whilst public transport may not be particularly attractive in terms of frequency, it does exist as an option.

In terms of other environmental considerations, the development will not result in significant loss of trees or important wildlife habitat and new trees/other planting will be sought at reserved matters stage. The application states the proposal will minimise internal water consumption to 105 litres per person per day, reduce surface water runoff rates through the use of sustainable drainage measures, minimise energy demand through the specification of low U-values, low air permeability & low thermal bridging to reduce heat loss; and utilise air source heat pump technology to serve heating demands.

The proposal will include 8 dwellings to make a small contribution to the current HLS shortfall and help meet future needs. The application states economic benefits will consist of direct & indirect employment, resident expenditure and additional Council Tax receipts & New Homes Bonus payments. The application does not specify where jobs will be created (i.e. whether local, regional or national). CIL receipts (to be calculated at reserved matters stage) could be used to contribute towards local infrastructure.

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. Council Tax revenues are not capable of being considered in the same way.

The proposal does meet the economic, social and environmental aspects of sustainable development and therefore the presumption in favour of sustainable development is engaged.

Conclusion on Matters of Principle:

The principle of development on this countryside site is in conflict with the ALP and emerging BENDP2 but accords with the current BENDP and ANDP. The conflict between the three made plans would be resolved in favour of the ANDP and in the case of the Barnham/Eastergate part of the site, the ALP. Even if the BENDP2 was adopted prior to this decision being made, because the Council's HLS is now below 3 years, paragraph 14 of the NPPF would not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. 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.

WSCC Minerals & Waste have advised that due to the small scale of the proposal, no significant levels of mineral sterilisation would occur if the development was permitted and as such they raise no objections. It is material that there is a need for new housing to counter the Council's current HLS deficit. There is no conflict with this policy.

WASTE SAFEGUARDING:

The site is within 300m 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 is in use as a car salvage centre. The application site is a significant distance away and there are other uses in between. WSCC Minerals and Waste advise no impact on the waste site and therefore raise no objections. There is no conflict with this policy.

ARCHAEOLOGY:

ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted with the application. The Councils Archaeologist raises no objections. The application is accompanied by an archaeological assessment and so there is no conflict with policy HER DM6.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network, contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

BENDP policy GA1 requires that new developments integrate with the current green infrastructure network and provide access to public and community transport. ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes. Para. 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para. 111 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 application proposes a main access from the adjoining site which benefits from approved access onto Fontwell Avenue. The connection to the existing approved road would be the same width. BN/50/20/PL included a uncontrolled pedestrian crossing point on Fontwell Avenue and an additional crossing at the bus stop has been proposed by AL/113/21/OUT. These crossing points facilitate access onto the existing footway on the east side of Fontwell Avenue.

The comments of WSCC Highways are set out in full on the Councils website and summarised elsewhere in this report. They raise no objections and state no unacceptable impact on highway safety.

As there are no details as to layout, the size of the houses or the exact form of parking provision, it is not appropriate to consider parking provision at this time. Compliance with the Arun Parking Standards SPD and the relevant ANDP/BENDP policies on parking will be considered at the reserved matters stage. This will include a requirement to ensure 5% of all spaces are suitable for the disabled and a condition is included to remind the developer of this requirement.

An objection has been raised re the need for a controlled pedestrian crossing on Fontwell Avenue. Whilst the concerns are valid, WSCC Highways have not requested this and it is material that they did not consider this necessary for either of the other applications using the same access which contribute up to 111 dwellings onto Fontwell Avenue.

There is an objection that the site is not convenient for pedestrians. It is accepted the pavement widths in this location are narrow but residents will be able to walk to access shops/services to the south by crossing the road and using the footway on the opposite side. It would not be sustainable to refuse permission on this basis given recent appeal decisions on sustainability and nor would it be reasonable to request that this development of 8 dwellings solely pay for the widening of the footway.

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

LANDSCAPE, CHARACTER & DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

BENDP policies ES5 & ES6 are relevant and set out requirements for high quality design and development that reflects the design & character of surroundings. ANDP policy H3 states density should be appropriate to location.

Section G of the Arun Design Guide suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations. The density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The Design Guide states each scheme is to be assessed based on the context, accessibility, proposed building type, form and character of the development of the individual site - and as a result, the density may be outside of the indicative ranges.

The indicative layout shows a mix of detached, semi-detached and terraced dwellings and the proposal has a density of up to 21 dwellings per hectare. This is appropriate as per the Design Guide and is below the densities on the two nearby sites which are 22.7 (BN/50/20/PL) and up to 27.3 (AL/113/21/OUT).

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. The indicative masterplan suggests that the site layout will retain existing landscaped soft edges to all of its boundaries with no tree loss and only a very limited loss of hedging. The retention (and future enhancement) of the boundary vegetation will help to screen the new development from public viewpoints.

The indicative layout is similar in form to the approved site next door albeit on a much smaller scale. The exception is that one of the houses will have a very large curtilage but this is appropriate as it is similar arrangement to the plot size of the adjacent Northfield Cottages.

There will not be a significant visual change to the character of Fontwell Avenue if the development was in accordance with the illustrative layout as the houses will extend on the same line from those permitted by BN/50/20/PL with existing tree planting on the frontage retained. There would be slight impact in that the development will narrow the existing open gap between Northfield Cottages and BN/50/20/PL. Should the development proceed in accordance with the illustrative layout then there will no harm to the character of Northfield Farmhouse as the house on this part of the site will be some distance back from the driveway and replaces a collection of existing buildings of variable condition.

The resulting minor impacts would be outweighed by the benefits of the proposal including the contribution to the HLS shortfall. It is noted that the Council's Landscape Officer has not raised any objections. The proposal is acceptable in respect to density, landscape & character and in accordance

with the relevant policies.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses.

Despite this being an outline application, it is appropriate to assess whether the indicative layout would give rise to any harm to existing residential properties. The closest existing dwellings to the site are 1/2 Northfields Cottage and the illustrative layout demonstrates distances of 22m and 32m from the nearest proposed dwellings. There are some conflicts with the Design Guide in respect of the relationship of proposed dwellings to the approved ones on the BN/50/20/PL site but these could be resolved by changes to the layout at reserved matters stage, a reduction in numbers, through the use of single storey dwellings and/or through boundary screening.

The dwellings on the adjacent site (BN/50/20/PL) are not built or occupied yet and so their future occupiers will not suffer any change in amenities arising from the small amount of extra traffic traversing their estate. Subject to a more detailed consideration of privacy issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

NOISE & LIGHT POLLUTION:

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 application is supported by a noise impact assessment which considers both current and future noise. It proposes mitigation measures in the form of acoustic glazing to those properties closest to the A29 plus acoustic fencing to the affected gardens. This has been accepted by the Councils Environmental Health Officer.

ALP policy QE DM2 states outdoor lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Emerging BENDP2 policy ES16 is similar to the ANDP policy. A condition is recommended to require full details of proposed lighting at the reserved matters stage and this will also ensure that lighting is designed to be sensitive to bats and other wildlife using the site boundaries.

There is no conflict with the relevant policies.

TREES:

ALP policy ENV DM4 requires TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. Policies LAN DM1 and D DM1 are also relevant.

BENDP policy ES10 states development that damages or results in the loss of ancient trees or trees or hedgerows of arboricultural & amenity value will not be supported. This policy is amended by the emerging BENDP2 to allow for removal where benefits clearly outweigh the harm or loss and to require that new tree planting has biodiversity value. ANDP policy EH6 states loss of trees contributing to amenity can be sanctioned where the benefits outweigh the loss.

The proposal suggests all existing trees will be retained and there will be the loss of 7m of existing hedge. This may change at reserved matters stage when a detailed scheme is prepared but it is clear that the development can be achieved with minimal impact on important trees. The Councils Tree Officer has not commented on the proposal and so a similar approach has been taken to that of AL/113/21/OUT where the Tree Officer requested full details at reserved matters stage.

Landscaping will be considered at reserved matters stage and the Council will require two trees are planted for each that is lost and require that new hedgerows are planted. This is included in a condition. It is clear that vegetation loss is very minor, is required to facilitate the development of the site and that there will be space available in the site to allow replacement planting. There is no conflict with the relevant policies.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. BENDP2 policy ES15 is new and seeks to protect biodiversity corridors from new development. It lists the length of Fontwell Avenue as such a corridor and requires assessment for sites adjacent to this. It states proposals should result in a 10% biodiversity net gain. Policy ES17 is new and requires assessment of proposals on foraging habitat and commuting flight lines qualifying bat species in the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC).

ANDP policy EH12 2019 states proposals for development of greenfield sites must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines. Policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The application is accompanied by an Ecological Impact Assessment (EIA). This states the site is formed of common, widespread habitats of low ecological value but the boundary treelines/woodland habitats are of moderate value. Birds nests were noted but the Barn Owl box was empty.

The mature vegetation to the eastern boundary was noted to be utilised by light-tolerant bat species of common and soprano pipistrelle and serotine. Barbastelle bats has been recorded rarely within the adjacent site (BN/50/20/PL). The EIA states the site is of negligible value to roosting bats, site value to foraging bats and that the boundary treelines are of local value for commuting and foraging bats. The mature treeline on the north-western boundary provides a strong linear landscape feature between the site and the wider environment, as well as offering a foraging resource in its own right.

The EIA concludes the impacts of the development on biodiversity will be negligible, non-significant and can be effectively mitigated. The Councils ecologist has reviewed the EIA and raises no objections subject to conditions.

In view of the location of the site in the SAC, the Council has undertaken an assessment of the impacts on the qualifying bat populations. As there is no loss of trees, the Council concluded there will not be any likely significant effects on SAC. Conditions are still proposed to control construction hours, protect trees during construction, control new lighting, ensure that landscaping is attractive to bats, relocate the Barn Owl box and provide bat boxes to the southern aspect of new buildings. Natural England have not made

any comments. There is no conflict with BENDP2 policy ES17 or ANDP policy EH12 2019.

The proposal results in the loss of a short section of hedgerow, short amenity grassland, bare earth, scattered scrub and introduced shrubs. The site habitat value is considered to be low and biodiversity net gain can be demonstrated through new landscaping and new wildlife habitats (e.g. nesting boxes) to be shown at reserved matters stage. Therefore, there will be no conflict with biodiversity policies.

FLOODING & SURFACE WATER DRAINAGE:

The site is not affected by any current or future flooding from rivers/sea and is in Flood Zone 1. ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. BENDP2 policy ES1 states that drainage can be left to a condition as long as it is demonstrated that there will be no net increase in surface water run-off from the application site as a result of the development. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

There was significant negotiation between drainage engineers and the applicant in respect to the adjacent site (BN/50/20/PL) due to its location in a groundwater source protection zone and the same is true of this site. The experience of the previous application has streamlined considerations relating to this. The Council's drainage engineers raise no objections in principle and request conditions. Portsmouth Water raise no objections and request conditions to control the use of any piled foundations and also prevent pollution. On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

ALP policy W DM1 states that all 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. Sites in the Lidsey Catchment Area must be accompanied by a Drainage Impact Assessment.

The submission includes a Foul Drainage Impact Assessment. This sets out that it is proposed to drain the site to an existing Southern Water foul sewer and the development is expected to generate approximately 6,000 litres per day of wastewater equating to an average run-off rate of 0.07l/s. This is not significant given the size of the catchment and Southern Water raise no objections. There is no conflict with policy W DM1.

TELECOMMUNICATIONS:

ALP policy TEL SP1 and ANDP policy EE8 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. These policies will be adhered to by means of a condition to require evidence of such a connection before the homes are occupied. On this basis, there is no conflict with the policies.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. BENDP policy ES11 is also relevant although it is proposed for deletion by the BENDP2.

The application includes a Sustainability Statement which states the proposal will minimise internal water consumption to 105 litres per person per day, reduce surface water runoff rates through the use of sustainable drainage measures, minimise energy demand through the specification of low U-values, low air permeability & low thermal bridging to reduce heat loss; and utilise air source heat pump technology to serve the heating demands of the proposed dwellings.

A condition will be imposed to ensure the dwellings incorporate decentralised, renewable and low carbon energy supply systems. A condition is included to require electric vehicle charge points. On this basis, there would be no conflict with the relevant policies.

HOMES FOR OLDER PEOPLE:

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4 of the Building Regulations. Policy H2 does not state this is a requirement and the proposals also fall below the thresholds set out in Arun DC's agreed internal policy on the provision of housing accommodation to provide for an ageing generation. No accommodation for older people or those with disabilities is required on this application.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) does not require any on-site or off-site Public Open Space (POS) or Play for a site of this size. There is no conflict with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community.

This development would be liable for CIL but this will not be calculated until the reserved matters stage when the proposed floorspace is known. 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's will also be provided with 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

SUMMARY:

The principle of development on this countryside site is in conflict with the ALP and the emerging BENDP2 but in accordance with the current BENDP and ANDP. The conflict between the three made plans would be resolved in favour of the ANDP and in the case of the Barnham/Eastergate part of the site, the ALP. Even if the BENDP2 was adopted prior to this decision being made, because the Council's HLS is now below 3 years (only 2.42 years), paragraph 14 of the NPPF would not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development.

This states that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning 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. The proposal represents sustainable

development.

This report identifies some impacts in respect of character, biodiversity and loss of equestrian land but these are very minor in nature. On the other hand, the proposal will make a small contribution to the HLS shortfall along with other economic benefits. The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The proposal is therefore recommended for approval subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is not currently liable for CIL due to being at outline stage. Instead CIL will be calculated on the reserved matters application.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

(e) Landscaping.

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

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

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

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

Location Plan dwg. 10 Rev D;

Site Block Plan Southern Site dwg. 199 Rev L (only in respect to the access arrangements); and

Access and Phase 1 Turning Head Tracking dwg 020.0672.011 Rev A (as located within the Transport Note).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

- 4 The site should be continually managed from the date of the decision in order to ensure that the site remains unsuitable for reptiles. If this is not possible then a precautionary approach should be taken within the site at the point of development commencement with regards to reptiles. This shall involve any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Reason: To mitigate harm to any reptiles using the site in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 5 Any brush piles, compost or debris piles on the site must only be removed outside of the hedgehog hibernation period (mid-October to mid-March inclusive) unless first checked by a qualified ecologist. If any small mammals are found then they must be relocated away from the construction area into surrounding suitable habitats. Should any reptiles or in the extremely unlikely that a Great Crested Newt is found then all works must cease and a suitably qualified ecologist must be contacted for advice. All piles removed outside of the hedgehog hibernation period must undergo soft demolition.

Reason: To mitigate harm to any hedgehogs and reptiles using the site in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 6 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 7 The development shall be carried out in complete accordance with the recommendations of the Ecological Impact Assessment (LLD2494, 30/11/21). In addition, the landscape details to

be submitted pursuant to condition 1 shall incorporate the following biodiversity improvements in order to demonstrate biodiversity net gain:

- New native trees planted on a ratio of 2 for every 1 lost including street trees which are suitable to their location and are given space to grow;
- Wildflower meadow planting used;
- Bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground;
- Retention of the existing Barn Owl box and subject to an ecologist confirming no barn owls present then relocation to a suitable tree;
- Other bird boxes to be installed on the buildings / and or trees within the gardens of the properties;
- Grassland areas managed to benefit reptiles; and
- Log piles and hedgehog boxes provided on-site.

Reason: To demonstrate biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 8 The dwellings hereby permitted shall be built in accordance with the approved noise mitigation measures, set out within section 4.0 of the "Residential Development of Up to 8 Units Land at Northfield Cottages Eastergate Noise Assessment" by Hepworth Acoustics Ltd (ref P21-273-R02v3, dated November 2021). This shall include an acoustic barrier installed at the boundary of the development nearest the A29 with all other dwelling boundaries being 1.8m high of imperforate construction, sealed at the base with no holes or gaps (except as required for hedgehog movement).

Following implementation of the noise mitigation measures, 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 measures 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.

- 9 The landscape details to be submitted pursuant to condition 1 shall include the following items:

(1) Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority;

(2) Details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall

be carried out in accordance with the approved details and permanently retained in a useable condition thereafter;

(3) A mitigation method statement which provides full details of how the retained hedgerows along the eastern boundary are to be protected and enhanced. The proposed protection details must include a 5m buffer zone to be secured by fencing around the retained natural areas during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures; and

(4) A Landscape Management Plan to provide full details on how the wildlife habitats and enhancements on the development will be managed post construction.

Reason: In the interest of visual amenity, the quality of the environment and bats in accordance with policies D DM1, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

10 The layout, scale and appearance details to be submitted pursuant to condition 1 shall include the following items:

(1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings;

(2) full details of all car parking including 5% of all parking provided as suitable for disabled persons;

(3) full details of secure & covered cycle storage for each dwelling;

(4) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval;

(5) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting that illuminates the eastern and western site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details; and

(6) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, highway safety/sustainability, the needs of the disabled, to minimise unnecessary light spillage outside the development site, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM2, QE DM3, ENV DM5 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 11 Should any temporary showhome/s or sales areas be required then full details shall be provided prior to any part of the development site reaching damp proof course (DPC) level. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall then be returned to their approved permanent appearance within 3 months of the date of the last building sold.

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

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it is not possible to carry out archaeological survey work once development including roads, foundations and surface infrastructure has commenced.

- 13 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, the Environment Agency, Portsmouth Water and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- An indicative programme for carrying out 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, 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.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction including the briefing of site operatives, monitoring by an ecologist and either securing or providing a means of escape for all deep pits/trenches/holes present on the site at night-time.

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, biodiversity (particularly bats), protecting groundwater supplies and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, 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.

- 14 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No buildings shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 15 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

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

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A 'Verification Report' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

- 17 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.

Should piling be required then 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 NPPF 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.

- 18 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 19 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.

- 20 None of the new houses shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon 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.

- 21 If, during development, contamination not previously identified is found to be present at the site then the local planning authority must be notified immediately. No further development (unless otherwise agreed in writing with the local planning authority in consultation with the Environment Agency and Portsmouth Water) shall be undertaken in that phase until the developer has submitted and had approved a site investigation, risk assessment and remediation strategy report, detailing how to mitigate the contamination identified. The remediation strategy approved by the local planning authority shall be implemented in full before development in that phase recommences.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health and to ensure that risks from land contamination to drinking water supplies is controlled and mitigated in accordance with Arun Local Plan policies QE SP1, QE DM4, W SP1 and W DM1.

- 22 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 23 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).
- 24 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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 at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.
- 25 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.
- 26 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>.

- 27 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 following website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 28 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.
- 29 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.
- 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 0345 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.

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/147/21/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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