

PLANNING APPLICATION REPORT

**REF NO:** AL/96/22/RES

**LOCATION:** Land at Bayards  
Level Mare Lane  
Eastergate  
PO20 3RZ

**PROPOSAL:** Approval of reserved matters following outline consent AL/113/21/OUT for 67 No houses. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

<b>SITE AND SURROUNDINGS</b>
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**DESCRIPTION OF APPLICATION**

The application seeks reserved matters approval for 67 dwellings with associated parking, road/footway provision, public open space, play provision, landscaping, potential foul water pumping station and ancillary works. Approval of scale, layout, external appearance, and landscaping are sought. As per the outline approval, the site will have a main vehicular access from Fontwell Avenue via the adjacent site approved by BN/50/20/PL and a secondary access (serving 56 dwellings) from Level Mare Lane.

The scheme includes 9 No 4-bed dwellings, 33 No 3-bed dwellings, 17 No 2-bed dwellings & 8 x 1 bed dwellings. Included in the total are 20 affordable dwellings (4 x 3 bed, 8 x 2 bed, 8 x 1 bed) with 5 of these located centrally (plots 12-16) and the other 15 (including 8 flats) in the south-east corner.

Plots 16, 55, 64, 65, 66 & 67 (all 2 beds except 65 which has 3) and the 8 x 1 bed flats only have 1 parking space, but all other dwellings have at least 2 with some of the larger ones having extra spaces and/or garages. The scheme includes 14 single garages plus 1 double. The scheme includes 13 visitor spaces and 8 of the allocated spaces are disabled spaces. Cycle storage will be in garages, gardens sheds or a detached communal store (for flats). There are no elevations for cycle storage sheds or details of garage storage so a condition will be imposed to secure these (the communal cycle storage details are provided). A refuse strategy drawing indicates bin stores/spaces and kerbside collection points. Drawings have been provided for a communal bin store for the flatted building.

All buildings will be two storeys in scale and have a mix of gable, pitched & hipped roof forms. Design features include barn hips, first floor dormers, bay windows, flat/pitched porch canopies and window courses but no chimneys are included.

Guttering and meter boxes are indicated on the drawings. Materials include brick (2 types), painted brick, weatherboarding (2 colours), clay tiles and slate. The exact materials are specified in the Materials Schedule. New internal boundaries will be 1.8m walling (to match adjacent building) or 1.8m timber fencing. New hedgerows are proposed.

The layout includes 8,100m<sup>2</sup> of Public Open Space (POS) including a 400m<sup>2</sup> Local Equipped Area of Play (LEAP) and a 200m<sup>2</sup> Local Area for Play (LAP) and areas of new landscaping. The POS surrounds the site but with the greatest amount on the western side where the play areas are. The site benefits from POS and play areas on adjoining development. 91 new trees and 1,415 new hedgerow plants are proposed.

SITE AREA	2.53 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	26.48 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	<p>There are trees to site boundaries but particularly to the northern, eastern, and south-western areas. The proposal requires removal of a 10m section of a mixed tree group on the eastern boundary where the new access punches through and these consist of 3no. ash, 2no. tall sycamore, 1no. cypress, 2no. hawthorn shrubs &amp; 2no. re-growing sycamore stumps. It is necessary to remove a 190m long section of hawthorn hedge in the site (towards the western corner) but not the category B Pine tree which is in this hedge. This would otherwise block the siting of 8 houses, parking spaces and a road. Three trees (Sweet Chestnut, Hawthorn &amp; Sycamore) and a small group of Common Elder shrubs in the north-east corner are to be removed as they are dead or severely damaged.</p> <p>TPO/AL/3/21 protects 14 trees in and to the boundaries of the site and these are being retained with minor incursions into buffer zones or Root Protection Area (RPAs).</p>
BOUNDARY TREATMENT	Mix of open boundaries, hedging, post and rail fencing (1.2m high) and close boarded timber fencing (1.8m).
SITE CHARACTERISTICS	The site comprises agricultural pasture land used for grazing in association with a private equestrian use at Bayards. The site has an unmade vehicle access from Level Mare Lane on the north boundary and further access from Bayards.
CHARACTER OF LOCALITY	Rural character with relatively 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 plus Fontwell Park racecourse to the north. The nearest dwellings are 1 Northfield Cottages to the southeast corner, Bayards to the north-west corner and a collection of dwellings at Northfields Farm to the south-west corner.

**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.	App Cond with S106 25-05-22
AL/100/21/ESO	Screening opinion for 75 Dwellings	ES Not Required 11-08-21
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

AL/100/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in August 2021 that an EIA would not be required. Outline permission was granted in May 2022 under AL/113/21/OUT.

**REPRESENTATIONS**

Aldingbourne Parish Council (APC) object for the following reasons:

- The developer has not taken into account any of our views, or fully consulted with us on our concerns and we refute that we have consented to anything within their report.
- The document is out of date.
- Nothing in the Aldingbourne Neighbourhood Plan has been taken into consideration.
- No allotment spaces have been provided for the community.
- There is no biodiversity net gain (BNG).
- The development does not consider the ecology of the area and its proximity to the Singleton & Cocking Tunnels SAC & Biodiversity corridor.
- The development plan is unimaginative; and
- No climate change measures have been proposed.

APC maintained their objection after changes were made to the scheme in September. Further changes were made in late October and APC have been notified. Any further comments will be reported by way of a report update.

One letter of objection on the grounds that the existing Reside development is overdevelopment & cramped and there are inadequate improvements in infrastructure in the local area. Also, there will be noise and air pollution from construction activities. They consider the access to Level Mare Lane to be inappropriate.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The following comments are made:

- There is no planning requirement for pre-submission community consultation. However, the applicant has submitted a Statement of Community Involvement (SCI) which advises that the views of APC were sought but no 'constructive comments' on the reserved matters scheme were received.
- APC do not state which document is out of date.
- The planning statement confirms the proposal has been assessed against relevant ANDP policies.
- It was agreed by the council's landscape officer at outline stage that no allotment provision was needed.
- The BNG Assessment confirms the proposals results in a BNG of 10.65% in habitat units and circa 21.88% in hedgerow units, providing new habitat for a diverse range of biodiversity interests.
- The outline application report previously assessed the impact on ecology, the Singleton & Cocking Tunnels SAC and the ANDP designated biodiversity corridor.
- Design will be assessed in the conclusions section.
- A Sustainability Statement and Energy Strategy has been submitted and states that the proposed measures combine to provide a carbon dioxide emission saving of 10.14%, compared to the Part L:2013 baseline. Notwithstanding, this is subject to a condition on the outline and will be subject to separate agreement.
- This application concerns a different scheme to the existing adjacent development.
- Infrastructure improvements will be delivered through a combination of CIL and the obligations contained in the s106 agreement agreed at outline stage.
- The impacts of construction on local residents will be temporary and managed by the required Construction Management Plan; and
- The Level Mare Lane access was agreed at outline stage.

## **CONSULTATIONS**

### **CONSULTATION RESPONSES RECEIVED:**

NATIONAL HIGHWAYS - no objection.

NATURAL ENGLAND - no objection.

SOUTH DOWNS NATIONAL PARK - with an appropriate landscape scheme, it is reasonable to conclude the scheme would not significantly impact visually on the National Park. Lighting should be carefully considered to avoid harm to Dark Skies in the National Park. Any opportunities for increasing outdoor recreation should be explored in the layout in terms of linking with the Public Right of Way (PRoW) network.

SUSSEX POLICE - no objection, set out a list of security measures in their response on the Councils website.

WSCC HIGHWAYS - following re-consultation in September, requested changes in respect of:

- Request crossing points for the footways in the vicinity of the access from the adjacent site.
- Request a rationalisation of surface materials as there is not a clear change between different road types. Shared surfaces might work better.
- Footpaths around the site should create permeable networks.
- Would prefer that the mown path on the eastern side (from the apartments north to plot 18) be hard surfaced and 3m wide so it is accessible all year round.
- Where footways meet the carriageway there should be tactile crossing points where they lead across

the road.

- Service margins will also need to be provided either 2m or 1m either side of footpaths; and
- There is a lack of visitor parking (13 are required) and this should be distributed more evenly.

WSSC MINERALS & WASTE - state no further comments to make and advise no objection.

WSSC DRAINAGE - state no comments.

WSSC FIRE & RESCUE - no objection subject to conditions to secure a new fire hydrant.

WSSC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school.

ADC ENVIRONMENTAL HEALTH OFFICER (EHO) - initially stated that the electric vehicle charging provision was insufficient with regard to plots 11-9 & 18-25. No objection to the lighting proposals. Following amendments to the charging scheme, commented to state no new matters have been raised which warrant further comments. Further changes were made in late October and the EHO was notified of these. Any further comments from them will be reported by way of a report update.

ADC LANDSCAPE OFFICER - no objections to the soft landscape proposals, to the LAP play proposal or in respect of Biodiversity Net Gain and the detail of the Landscape and Ecological Management Plan (LEMP). Request details of the maintenance and management body responsibility of the site post completion. Object to the LEAP play provision which is of low play value with too much repetition.

ADC TREE OFFICER - no objection subject to conditions. State the layout proposal is more sympathetic to higher value trees than at outline stage. Tree Preservation Order (TPO) trees benefit from a 2m buffer zone around their root protection areas (RPAs), as promoted in the Arun Design Guide. The principle of development as is achievable without undue detriment to retained on-site trees, provided there is adequate site supervision at key stages by the project arboriculturist and approval of a suitable drainage strategy.

ADC CONSERVATION OFFICER - the proposal will not result in harm to the setting of nearby heritage assets and should be determined in accordance with relevant development plan policies. Full comments on the Councils website but these are the most pertinent points:

- There are heritage assets in the area including a Listed Building (650m from the site), a Registered Park & Garden (580m) and a Building of Special Character (125m).
- Denmans Gardens are best experienced from within their boundaries, the Gardens are a significant distance from the site and there is no evidence of any functional ownership link between the Gardens and the site.
- As such there will not be any harm to the setting of the Gardens.
- The nearby Building of Special Character (Northfields Farm) is physically separated from the site by the boundary treatment and so there will be no harm.
- Any increase in vehicle movements along Level Mare Lane may give rise to indirect impacts but it is assumed that majority of vehicles will use the A29; and
- Weatherboarding is not an appropriate material - tile hanging should be used.

ADC HOUSING DEVELOPMENT MANAGER - all 13 of the affordable rent units & 2 of the first homes are in one location and this does not comply with our policy on clustering and would like to see the rented units in different locations.

ADC DRAINAGE ENGINEERS - advise a holding objection due to insufficient information related to root protection areas not shown on the submitted drainage layout, inadequacy of soakaway testing, inadequacy of calculations and changes required to the management plan.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted except as discussed below:

SOUTH DOWNS NATIONAL PARK - it is not possible to link with existing Public Rights of Way (PRoW) as there are none on adjacent land. The layout proposes pedestrian access to Level Mare Land and Fontwell Avenue from which access to footpaths can be gained. The EHO raises no concerns with lighting proposals. The applicant commented:

- Solar street lighting is proposed to assist in reducing energy demand of the site and improve sustainability, with measures included in relation to its operation and intensity of illumination.
- The lighting operates on a PIR system and will turn on at dusk (and off at dawn) and operate at 30% illumination, except when movements are detected when the lights will increase to 100% illumination.
- The lights will stay on at 100% illumination for 30 seconds following movements being detected, before returning to 30% illumination.
- The system is designed to detect vehicle, pedestrian, and cycle movements, but not to detect animals. The lights operate in this way for 8 hours after which time the lights turn off completely and then only turn on when movements are detected (during the dusk-dawn period); and
- This ensures that illumination is kept to a minimum when it is required, after which time it reduces to a low level to reduce disturbance and avoid any unnecessary light pollution.

WSCC HIGHWAYS - the applicant amended the plans to respond to the concerns and WSCC have been re-consulted. Any comments in response will be reported to members by report update. In particular, it is noted that:

- Crossing points have been added for the footways.
- Surface Materials have been amended.
- Tactile paving is proposed where appropriate.
- Service margins have been included.
- There are now 13 visitor spaces spread out across the layout; and
- the on-street parking spaces have been broken up into shorter runs with additional street trees added.

It has been agreed to retain the path on the eastern side as a 2m wide mown lawn path as this lies within the root protection areas of TPO trees and so to create a hard surface here would likely generate an objection from the Council's Tree Officer. The path further to the north (between plots 28 & 18) is shown as a no-dig pathway.

WSCC FIRE & RESCUE - a condition was imposed on the outline permission to secure fire hydrants.

WSCC EDUCATION - noted but the s106 requirements were set by the outline permission and WSCC Education did not object at that stage. In any case, this development does not itself generate need for a new secondary school and there is also no policy requirement for the development to provide a school on the site or to fund the whole cost of one elsewhere. CIL contributions can be used to fund new school facilities and the developer will be liable for CIL. WSCC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making.

ADC ENVIRONMENTAL HEALTH - the applicant has amended the electric vehicle charge point plan in respect of the plots as referred to and the EHO has been re-consulted since the late October amendments. Any further comments in response will be reported to members by report update.

ADC LANDSCAPE OFFICER - conditions are proposed to require the post-approval of the LEAP play provision and agreement of the management body.

ADC TREE OFFICER - the Tree Officer has been re-consulted re the latest changes and any comments in response will be reported to members by report update.

ADC CONSERVATION OFFICER - the concern over the use of weatherboarding is noted but it is material that white weatherboarding has been approved on 22 of the 42 plots on the adjacent site.

ADC HOUSING DEVELOPMENT MANAGER - see Conclusions

ADC DRAINAGE ENGINEERS - the applicant amended the drainage documents in response to objections. It has not been possible to obtain further comments from the council's engineers. It is clear that drainage design is subject to separate conditional approval (conditions were placed on the outline approval). A similar approach can be taken here to how other reserved matters applications in the district have been determined. In these cases, it was made clear (by an informative on the decision notice) that if the drainage conditions cannot be agreed due to the layout not providing sufficient space, then a new reserved matters application will need to be submitted to account for the necessary drainage features. This application can be determined without full support of drainage engineers.

**POLICY CONTEXT**

Designations applicable to site:

- Outside the Built Up Area Boundary (BUAB);
- WSCC Mineral Consultation Area (Sharp Sand & Gravel);
- WSCC Waste Consultation Zone;
- CIL Zone 3;
- Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
- Tree Preservation Order ref TPO/AL/3/21;
- Current & Future Flood Zone 1;
- Water Source Protection Zone; and
- Grade 2 Agricultural Land.

**DEVELOPMENT PLAN POLICIES**

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

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

HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
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

[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 EH10 'Unlit Village' status

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

Aldingbourne Neighbourhood Plan 2019-31 Policy H2 Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H4 Affordable Housing

Aldingbourne Neighbourhood Plan 2019-31 Policy H8 Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

#### PLANNING POLICY GUIDANCE:

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

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
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 revised Aldingbourne Neighbourhood Development Plan was made on 14/07/21 and its policies are 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 complies with relevant development plan policies in that it results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing or future residents or the existing road network.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

**OTHER MATERIAL CONSIDERATIONS**

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

**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. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflict 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 Aldingbourne Neighbourhood Development Plan (ANDP) takes precedence over the Arun Local Plan (ALP) should there be a conflict between the two.

The principle of development was established by AL/113/21/OUT for the erection of up to 69 No dwellings with access, parking, landscaping & associated works. That permission established the principle of development including flood risk, traffic generation, highway safety, impact on wildlife, loss of agricultural land, impact on minerals and waste sites, countryside location, heritage & archaeology, foul drainage (the principle of the new dwellings connecting to the network) and provision of affordable housing, public open space & children's play.

**COMPLIANCE WITH THE OUTLINE:**

It has been established by case law that applications for approval of reserved matters must be within the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below.

Condition 8 requires the development be in accordance with the previous Biodiversity Net Gain (BNG) Assessment Report and the Ecological Impact Assessment (LLD2327, 19/08/21). It requires the

landscape details incorporate various other biodiversity improvements. The landscape scheme includes the necessary new habitats including trees and hedges on a 2:1 basis. The application is accompanied by an up-to-date BNG Assessment and a Landscape & Ecological Management Plan. The council's landscape officer raises no concerns regarding BNG.

Condition 9 requires that the submission include details of boundary treatments, a full Arboricultural Impact Assessment & supporting plans, and a Landscape Management Plan. These have been provided.

Condition 10 requires full details of the required POS and play provision plus management arrangements. These have been provided for review.

Condition 11 states that the access onto Level Mare Lane shall be for no more than 6 dwellings. This has been complied with. The condition also requires the submission of electric vehicle charge point details, a detailed level survey, 5% of all parking provided as suitable for disabled persons, full details of all new external lighting and a colour schedule of materials & finishes. These have all been provided.

Condition 13 requires that the scheme provides specialist housing for older people and those with disabilities meeting Building Regulation standards M4(2) and M4(3). This is discussed elsewhere in these conclusions.

#### LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1, D SP1 and LAN DM1 are all relevant in respect of design and character. Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters.

ANDP policy H3 states the density should be appropriate to the location. Policy H9 requires the design of dwellings include cycle stores, meter boxes, bin stores, flues/ducts, gutters, and communications connections. The drawings indicate the position of cycle & bin storage spaces, gutters, and meter boxes. There is an outline condition to secure broadband connections and the cycle store elevations will be subject of a new condition.

The Arun Design Guide (ADG) was adopted as a formal supplementary planning document in January 2021. Sections G, H & J are relevant. Section G suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations. The scheme includes a mix of both. 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 density is 26.5 dwellings per hectare which exceeds this range and is higher than the site adjacent (BN/50/20/PL at 22.7dph). The outline report stated, "it is material that permission is applied for up to 69 dwellings and the Local Planning Authority would be able to seek a lower number at reserved matters stage."

The initially submitted reserved matters layout was deemed unacceptable due to a number of inadequate interface distances between dwellings (which in some cases were only 7-8m apart) and other concerns. The applicants amended the scheme to largely resolve these issues and have removed 2 dwellings (a 2-bed semi-detached house and a 2-bed flat over garage unit). This reduced the density from 27.3 to 26.5. Whilst the density remains in excess of the adjacent site and the ADG, it is positive that the applicant reduced the numbers and is now largely compliant with the interface requirements of the ADG. It positive that the changes have altered the spaciousness of the layout particularly in respect of the south-eastern corner which they had proposed as having an 'intimate feel', but this was not seen as appropriate in this rural location.

The ADG requires buildings and spaces be carefully arranged and take priority over roads and car parking so that highways do not dominate. New development should respond to the surrounding pattern of buildings in terms of block sizes and patterns of plot division in order to create a natural extension to existing development. Open spaces should be clearly integrated in the scheme and be safe & accessible for all users. New development must ensure the existing character and sense of place of an area is respected and enhanced.

The NPPF and other supporting national guidance emphasises high quality design, respecting character, creating a sense of place, safety, accessibility, inclusivity and striving for beauty. It states, "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

The layout largely reflects that provided as an illustrative drawing at outline stage. The northern part of the site has the most spacious feel and includes most of the larger dwellings and a mix of detached and semi-detached houses with tandem parking and some garages to the side. The central part and to a greater extent, the southern portion, is slightly less spacious with more instances of terraced dwellings, parking on the road frontage and apartments. The interfaces between dwellings in this area are tighter but do exceed those on the originally submitted layout.

The open space is to the site perimeter in part to act as a buffer to retained trees. The largest area of POS on the western side also includes a retained tree and the two play areas. It benefits from natural surveillance from 12 houses that overlook it. The entrances to the site are both through established tree lines and with open space adjacent. These entrances will be attractive and help to establish a sense of place to the development. The proposals include several street trees and other landscaping to help break up the parking runs and generally add greenery to hard surfaced 'built' areas.

The submitted Design & Access Statement (DAS) sets out clearly the rationale for the building appearance and references existing examples of such in the local area. This is where the proposed use of red/painted brick, red roof tiles and barn hipped roofs derive from. In particular, the DAS addendum document responds to the character of Level Mare Lane in respect of the design of plots 28-33 which are accessed direct from it (albeit behind an existing tree screen). No weatherboarding is proposed to these dwellings, and they follow 5 different house types with no adjacent dwellings being the same type. No objection is raised to the design and appearance of the buildings.

The affordable dwellings are either solely within the apartment building or within the Gibson and Edmund house types. Therefore, they are not completely tenure blind however there are market occupancy houses with similar materials and designs to the affordable dwellings and so the difference will not be particularly noticeable. The proposed affordable dwellings are predominantly clustered in the south-east corner in and around the apartment building with a further 5 in a row in a more central part of the site. The applicant has resisted requests to spread the south-eastern cluster out and instead refers to the fact that all of the affordable housing on the scheme approved by BN/50/20/PL (12 dwellings) are all in one cluster in the northern part of the site. The report for the adjacent site stated:

"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 same justification cannot be applied to the proposed scheme as the affordable dwellings are in specific house types and the south-eastern cluster does not compare with any part of the wider layout.

However, the ALP policy specifies that affordable housing should not be in large clusters. The cluster in the central part of the site is only 5 dwellings and so is not a large cluster. The south-eastern cluster is made up of 7 dwellings and a separate apartment building. Visually, it will not be read as a cluster, and it is also adjacent to market dwellings. It is not a sufficiently large cluster and so is acceptable under the policy. Furthermore, eventually there will be market dwellings immediately to the south and east which will be visible through the boundary vegetation (when the up to 8 dwellings permitted by BN/147/21/OUT comes forward) and there may well also be some connectivity between the two sites.

The report for AL/113/21/OUT stated the proposal would result in a change to the character of the area particularly in respect of Level Mare Lane but that this would be mitigated by existing/proposed planting. The scheme as presented does not alter this statement.

Overall, the proposal is in accordance with ALP policies D DM1, D SP1, LAN DM1 & AH SP2 and with ANDP policies H3 and H9.

### PUBLIC OPEN SPACE (POS) & PLAY:

ALP policy OSR DM1 and HWB SP1 are relevant but there is no applicable ANDP policy. The Council's supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision. The ADG makes clear that open spaces should be clearly integrated in the scheme and be safe & accessible for all users.

The required amount of POS is 5693.5m<sup>2</sup> and this amount should include 835m<sup>2</sup> of play provision. The scheme over provides on POS (7500m<sup>2</sup>) with a slight under provision of play (600m<sup>2</sup>). This is acceptable and the council's landscape officer has not raised any concerns to the total provision. There is currently an outstanding objection to the standard of equipment proposed for the LEAP, but this can be resolved through a planning condition to require details prior to any dwelling occupations.

The proposal is therefore in accordance with the relevant policies.

### LANDSCAPING & TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping. ANDP policy EH6 states the loss of trees contributing to amenity can only be sanctioned where benefits outweigh the loss. ALP policy ENV DM4 requires that trees that contribute to local amenity are not damaged or felled unless the development meets the following criteria:

- a. Tree loss is in the interests of good arboricultural practice.
- b. Tree loss would enhance the survival & growth prospects of other protected trees.
- c. The benefits outweigh the loss of trees or woodland, especially ancient woodland.

Tree loss will be limited to the position of the access on the eastern side and some damaged/dead trees in the north-eastern corner. An existing 190m long hedge is also to be removed from within the site. None of the TPO trees within the site are to be affected and the council's Tree Officer states the proposed development is achievable without undue detriment to retained on-site trees. The proposed landscaping scheme will more than compensate for the lost vegetation with 86 new trees and 1,437 new hedgerow plants along with other shrubs, climbers, and areas of grassland & wildflower meadow planting.

The scheme has been amended at the request of officers and WSCC to show a no-dig path connection down the eastern side of the site between plots 28 and 19. Without a pathway, the occupants of plots 28-33 would be forced to walk on the grass to reach the other parts of the layout. The Tree Officer has been consulted on this and any comments in response will be reported by way of an update. The other paths on the eastern side have been shown as mown paths. These will minimise harm to the protected trees and whilst they will provide alternative routes, they are not essential as the residents in this area have other ways of reaching the remainder of the layout.

The amended submission includes detailed soft landscape drawings. The hard surfacing treatments are varied, and the mix of boundary treatments is acceptable. The landscape officer raises no concerns with the landscape management scheme. The proposal is in accordance with the relevant policies.

#### OTHER MATTERS:

##### (A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires 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 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 the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size for the district:

- 1-bed dwellings: 5-10% of all dwellings.
- 2-bed dwellings: 40-45% of all dwellings.
- 3-bed dwellings: 35-40% of all dwellings; and
- 4+ bed dwellings: 10-15% of all dwellings.

The affordable housing mix has already been set by the outline permission. The mix of the market only units (47 in total) is as follows:

- 0 x 1 bed dwellings (0%).
- 9 x 2-bed dwellings (19%).
- 29 x 3-bed dwellings (60%); and
- 9 x 4-bed dwellings (19%).

The proposal does not comply with the suggested mix, but the applicant has sought to justify this stating:

- The Parish comments for the adjacent BN/50/20/PL scheme advocated a move towards larger sized houses.
- The approved market mix for BN/50/20/PL was 6 x 2 beds (21%), 19 x 3 beds (66%) & 4 x 4 beds (14%) therefore this compares well with the proposed mix.
- The overprovision of 3-bedroom dwellings allows for local people to be able to downsize into more appropriately sized and release larger dwellings onto the market, but still remain in the area; and
- Aldingbourne Neighbourhood Plan does not provide a housing mix schedule that should be adhered to.

Whilst the site is in Aldingbourne and the adjacent site in Barnham/Eastergate, they are adjacent to each

other and it reasonable to compare them with each other. The applicant's statements are accepted, and it should be noted that the SHMA 2016 Update is 8 years old. It is recommended that no objection be raised to the mix.

### (B) Housing 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(2) of the Building Regulations. To achieve this support, the proposal should provide at least 17 M4(2) homes.

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 30 of the homes are designed to the M4(2) standard, and that 4 are designed to meet M4(3) i.e., be wheelchair accessible.

The scheme proposes 22 M4(2) dwellings and so achieves the support of ANDP policy H2. It conflicts with the ADC guidance, but this has less weight than the actual development plan (ANDP) policy.

### (C) 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 ADG sets out guidance on interface distances between houses:

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

The proposed scheme, as amended, now largely aligns with the ADG with only a few exceptions. Plot 6 Front (F) to plot 37F is 14.03m (versus a 16m requirement) and plot 50F to plot 53/54F is 11.5m/13.5m (16m requirement). However, in both cases, habitable windows do not directly overlook each other.

It is material that the initial layout had a significantly greater number of exceptions/issues with some front-to-front interfaces at 7 or 8m and that whilst the scheme as amended in September increased the interfaces, there were still 12 instances where the interface distances still did not meet the ADG standards. It is also material that the ADG is guidance not policy and that it states, "These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate."

The applicant refers to the BN/50/20//PL scheme. This identified some shortfalls versus the ADG but argued this was acceptable as long as there were no facing windows or that affected windows were obscure glazed. The applicant has taken the same approach here and has provided detailed plans of the interfaces to show the position of windows and sightlines from these. A condition will be imposed to ensure all flank bathroom/toilet windows are obscure glazed and to remove permitted development rights for roof alterations/dormers to certain plots where this would result in the loss of amenity to future occupiers.

There are a couple of instances within the layout where rear elevations look onto the side of a different

rear garden potentially affecting the privacy of that space. In such situations (plots 51/52 to 53 & 7/8 to 12), the applicant has shown Birch tree planting along the side boundary of the affected garden. This tree planting will be within the ownership and control of the affected property.

On this basis, the proposal can be accepted despite the minor non-compliance with the ADG. The houses are sufficiently far enough from existing neighbouring dwellings such that there is no impact to these.

### (D) Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for use by future residential occupiers. The scheme proposes the following house types (with their corresponding floor areas and requirement). These have been checked and show that all dwellings meet the requirements.

Farnham - 130.8m<sup>2</sup> (106).  
Fordham - 109.1m<sup>2</sup> (93).  
Faramond - 70.7m<sup>2</sup> (70).  
Harrison - 84.3m<sup>2</sup> (84).  
Hudson - 97.5m<sup>2</sup> (93).  
Bryson - 92.8m<sup>2</sup> (84).  
Edmund - 79m<sup>2</sup> (79).  
Gibson - 93m<sup>2</sup> (93).  
Beecham - 128.9m<sup>2</sup> (106).  
Lawton - 102.4m<sup>2</sup> (102).  
Bingham - 126.4 m<sup>2</sup>(115).  
Carson - 94.3m<sup>2</sup> (84).  
Harrison - 84.3m<sup>2</sup> (84).  
Grayson - 88.6m<sup>2</sup> (84); and  
1 Bed Flat - either 50m<sup>2</sup>, 53m<sup>2</sup> or 63.9m<sup>2</sup> (50).

The ADG sets out that private rear gardens should be at least 10.5m deep and that front gardens should provide a minimum of 2m defensible space. In addition, flats should be provided with at least 3m<sup>2</sup> of private defensible space in the form of a balcony, terrace or patio and flatted buildings should be provided with communal shared spaces at a minimum of 40sqm plus 10sqm for each unit. None of the flats have private space but the communal provision exceeds the requirement (128.2 versus 120m<sup>2</sup>). Balconies on the flatted building would not be appropriate due to increased overlooking.

The layout as amended now ensures that all but one of the houses has a policy compliant rear garden. The exception is plot 5 which is only 9.02m long however, it is 9.48m wide so will still ensure a good standard of private amenity and there is still 21m to the facing properties at the rear. Not all plots meet the 2m front garden requirement, but the minimum size is 1m and some are in excess of the 2m. As already stated, the ADG is guidance not policy and when viewed as a whole, the scheme is acceptable.

### (E) Parking, Roads, and Public Footpaths

ALP policy T SP1 seeks to ensure development accommodates the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements and create safe and secure layouts for traffic, cyclists, and pedestrians. T SP1 and ANDP policy GA3 require developments to incorporate appropriate levels of parking in line with parking standards. The Arun District Council Parking Standards SPD (January 2020) sets out the residential parking demands for different parking behaviour zones.

The advice of WSCC Highways is summarised above. Whilst they requested some changes, it is material that the applicant responded to these with the amended plans in October. WSCC have been reconsulted and any response will be reported by way of an update. It seems likely from the applicant's response that the matters raised will have been resolved. The exception will be in respect of the mown paths along the eastern side of the site but as already explained, to make these into hard surfaced formal paths would affect the roots of the important protected trees and it judged more appropriate to preserve the trees in this instance. WSCC note the layout has been tracked for the movements of larger vehicles

The development generates a parking demand of 143 allocated spaces and 13 visitor spaces. Application AL/113/21/OUT was accompanied by a Travel Plan which proposes new residents be provided with vouchers towards cycling equipment/bus travel. The Parking SPD sets out that a 10% reduction in parking spaces is allowed where a Travel Plan is provided. Once the 10% has been applied to the resident parking, the requirement is 129 allocated. The scheme provides for the full amount of visitor spaces (13) and a total of 129 allocated parking spaces. This includes garages which have been counted as half a space.

The Parking SPD refers to the need to ensure 5% disabled parking provision as per Manual for Streets. The scheme includes 8 disabled parking spaces which represents 6%. There are no conflicts with the relevant policies.

#### (F) Waste Management

ALP policy WM DM1 is relevant but there are no issues with refuse vehicles accessing the site from Fontwell Avenue or moving around the layout. The application includes a refuse strategy diagram which provides details of individual bin storage locations and collection points for bin days. Overall, the application achieves sufficient provision for the storage of waste and kerbside collection is possible for all dwellings such that there is no conflict with the requirements of policy WM DM1.

#### (G) Surface Water Drainage

This is a separate matter as drainage is covered by conditions 16, 17 & 24 on the outline planning permission and will be agreed through the discharge of such conditions. Engineers have several concerns with the scheme and are not currently in a position to confirm that the layout is appropriate.

ALP policy W DM3 seeks to ensure SUDS discharge water from developments to be at a lesser rate, as prior to construction. To achieve this, criteria (f) require developments to follow the hierarchy of preference for different types of surface water drainage disposal systems. ANDP policy EH5 requires new development make appropriate provision for accommodating surface water.

In accordance with condition 11 of the outline, the application includes details of levels changes which are mixed but detail at most a 0.4-0.5m increase and at least a 0-0.1m increase. Due to distances and existing screening, the extra height of the houses will not result in any injury to the surrounding environment or amenities of dwellings outside the site. The level raising is also in acceptable tolerances.

Drainage Engineers advise a holding objection but as set out elsewhere the applicant amended the drainage documents in response. It has not been possible to obtain further comments from the council's engineers. A similar approach can be taken here to how other reserved matters applications in the district have been determined. In these cases, it was made clear (by an informative on the decision notice) that if the drainage conditions cannot be agreed due to the layout not providing sufficient space, then a new reserved matters application will need to be submitted to account for the necessary drainage features. This reserved matter application can be determined without the full support of drainage engineers, and it



is not necessary to demonstrate full compliance with policy W DM3 at this time.

**(H) Biodiversity Net Gain**

Condition 8 of the outline requires that the development be carried out in complete accordance with the recommendations of the Biodiversity Net Gain (BNG) Assessment Report and the Ecological Impact Assessment. In addition, it requests that the landscape scheme incorporate certain other listed measures to mitigate harm to wildlife or increase BNG. The applicant has provided a Landscape and Ecological Management Plan with this submission

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat, and bird boxes as well as landscape features minimising adverse impacts on existing habitat.

Biodiversity was assessed at the outline stage and the council's ecologist raised no objections at that time. Whilst the ecologist has not commented on the reserved matters application, the council's landscape officer has appraised the document and is happy with the proposed BNG. As such there is no conflict with ALP policy ENV DM5.

The impact on the Singleton and Cocking Tunnels Special Area of Conservation (SAC) was fully assessed at the outline stage and Natural England confirmed at that time that without appropriate mitigation, the application would have an adverse effect on the integrity of the SAC, but that conditions could be imposed to make the development acceptable. The conditions were imposed and so there is no requirement to revisit the impact on the SAC.

**(J) Climate Change**

Condition 21 on the outline requires approval of measures to reduce energy conservation and achieve a 10% annual energy reduction. As these details are required to be approved through the discharge of this condition, it is not reasonable to require compliance at this stage. The proposal would accord with ALP policy ECC SP2. The electric vehicle charge point scheme is being approved through this application and this satisfies the requirements of ALP policy QE DM3 (c).

**SUMMARY & TILTED BALANCE:**

It is recognised that the applicant has made several positive changes to overcome the concerns raised during the determination of these reserved matters. In particular the scheme has been reduced by two dwellings and a significant amount of ADG conflicts have been resolved. Whilst there remain some conflicts with garden sizes and front to front interfaces, the ADG is guidance not policy and the conflicts do not generate any adverse harm and are also outweighed by the benefits of the proposal. The proposal is broadly in accordance with the development plan as a whole and it is therefore recommended that permission be granted subject to the following additional conditions alongside those imposed on AL/113/31/OUT. As the principle of development has already been established, an approval of this application would accord with para 11(c) of the NPPF.

**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 a CIL Liable development. It is in Zone 3 and a CIL amount of £637,290.90\* is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). As there is a Neighbourhood Plan, the Parish Council will receive 25% of this money (£159,22.73\*) subject to whether any relief is claimed.

\* These figures were calculated when the application was proposing 69 dwellings. As 67 are now proposed, there will be a slight reduction in the CIL liability, but this has not yet been re-calculated.

### **RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

Site Location Plan 29662E\_10 (Rev A).  
Illustrated Site Layout Plan (colour) 29662E\_100 (Rev F).  
Site Layout Plan (CAD and B&W) 29662E\_101 (Rev A12).  
Materials Schedule and Strategy Diagram 29662E\_110 (Rev I).  
Parking Strategy 29662E\_112 (Rev H).  
Tenure Diagram 29662E\_113 (Rev D).  
Refuse Strategy 29662E\_114 (Rev D).  
Fire Tender Strategy 29662E\_115 (Rev E).  
Public Open Space Diagram 29662E\_116 (Rev C).  
Rear Garden Dimensions 29662E\_117 (Rev G).  
Front Garden Dimensions 29662E\_118 (Rev D).  
Interface Standards 29662E\_119 (Rev E).  
Interface Standards A-C 29662E\_120 (Rev D).  
Interface Standards D-F 29662E\_121 (Rev C).  
Lawton Floor Plan 29662E\_500.0 (Rev E).  
Lawton OP1 Elevations 29662E\_500.1 (Rev J).

Lawton OP2 Elevations 29662E\_500.2 (Rev J).  
Grayson OP1 Elevations 29662E\_507.1 (Rev D).  
Grayson OP2 Elevations 29662E\_507.2 (Rev H).  
Bryson Floor Plans 29662E\_508.0 (Rev E).  
Bryson Elevations 29662E\_508.1 (Rev H).  
Carson Floor Plans 29662E\_509.0 (Rev E).  
Carson OP1 Elevations 29662E\_509.1 (Rev I).  
Carson OP2 Elevations 29662E\_509.2 (Rev H).  
Hudson Floor Plans 29662E\_510.0 (Rev E).  
Hudson OP1 Elevations 29662E\_510.1 (Rev I).  
Hudson OP2 Elevations 29662E\_510.2 (Rev I).  
Fordham Floor Plans 29662E\_511.0 (Rev F).  
Fordham Elevation 29662E\_511.1 (Rev G).  
Bingham Floor Plans 29662e\_512.0 (Rev C).  
Bingham Elevations 29662e\_512.1 (Rev F).  
Beecham Floor Plans 29662E\_513.0 (Rev F).  
Beecham Elevations 29662E\_513.1 (Rev L).  
Farnham OP1, OP2 Floor Plans 29662E\_514 (Rev D).  
Farnham OP1 Elevations 29662E\_514.1 (Rev G).  
Farnham OP2 Elevations 29662E\_514.2 (Rev H).  
Farnham OP3 Elevations 29662E\_514.3 (Rev I).  
Farnham OP3 Floorplans 29662E\_514.4 (Rev A).  
Farnham OP4 Floor Plans 29662E\_514.6 (Rev A).  
Farnham OP4 Floor Plans 29662E\_514.7 (Rev A).  
Apartment Floor Plan 29662E\_516.0 (Rev J).  
Apartment Floor Elevations 29662E\_517.0 (Rev J).  
Plots 3,4,5 Floor Plans 29662E\_600.0 (Rev C).  
Plots 3, 4, 5 Elevations 29662E\_600.1 (Rev H).  
Plots 7, 8 Elevations 29662E\_601.1 (Rev H).  
Plots 7, 8 Floor Plans 29662E\_601.0 (Rev D).  
Plots 9, 10, 11 Elevations 29662E\_602.1 (Rev J).  
Plots 9, 10, 11 Floor Plans 29662E\_602.0 (Rev D).  
Plots 12, 13 Elevations 29662E\_603.1 (Rev F).  
Plots 12, 13 Floor Plans 29662E\_603.0 (Rev C).  
Plots 14, 15, 16 Floor Plans 29662E\_604.0 (Rev D).  
Plots 14, 15, 16 Elevations 29662E\_604.1 (Rev I).  
Plots 18, 19 Elevations 29662E\_605.1 (Rev ss).  
Plots 21, 22 Floor Plans 29662E\_607.0 (Rev C).  
Plots 21, 22 Elevations 29662E\_607.1 (Rev G).  
Plots 23, 24 Floor Plans 29662E\_608.0 (Rev D).  
Plots 23, 24 Elevations 29662E\_608.1 (Rev H).  
Plots 40, 41, 42 Floor Plans 29662E\_610.0 (Rev D).  
Plots 40, 41, 42 Elevations 29662E\_610.1 (Rev I).  
Plots 48, 49 Floor Plans 29662E\_611.0 (Rev D).  
Plots 48, 49 Elevations 29662E\_611.1 (Rev I).  
Plots 53, 54, 55 Floor Plans 29662E\_612.0 (Rev D).  
Plots 53, 54, 55 Elevations 29662E\_612.1 (Rev I).  
Plots 64, 65 Floor Plans 29662E\_613.0 (Rev D).  
Plots 64, 65 Elevations 29662E\_613.1 (Rev I).  
Plots 66, 67 Floor Plans 29662E\_614.0 (Rev D).  
Plots 66, 67 Elevations 29662E\_614.1 (Rev H).  
Plots 38, 39 Floor Plans 29662E\_615.0 (Rev B).

Plots 38, 39 Elevations 29662E\_615.1 (Rev B).  
Plots 43, 44, 45 Floor Plans 29662E\_616.0 (Rev A).  
Plots 43, 44, 45 Elevations 29662E\_616.1 (Rev A).  
Street Scene Section A - A 29662E\_200 (Rev D).  
Street Scene Section B- B 29662E\_201 (Rev D).  
Street Scene Section C - C 29662E\_202 (Rev D).  
Street Scene Section D - D 29662E\_203 (Rev E).  
Street Scene Section E - E 29662E\_204 (Rev D).  
Street Scene Section E - E 29662E\_205 (Rev D).  
Street Scene Section E - E 29662E\_206 (Rev D).  
Street Scene Section E - E 29662E\_207 (Rev D).  
Typical Single Garage 29662A\_516 (Rev C).  
Attached Single Garages 29662A\_518 (Rev C).  
Cycle Store Floor Plan and Elevations 29662A\_519 (Rev B).  
Bin Store Floor Plan and Elevations 29662A\_520 (Rev B).  
Design & Access Statement 29662E\_800 (Rev F).  
Design & Access Statement Addendum 29662\_801 (Rev A).  
Schedule of Accommodation 29662E\_850 (Rev S).  
Legend & General Notes for Soft Landscape FAB-00-XX-DR-L-1000 A1 Rev PL05.  
Combined Hard & Soft General Arrangement Plan - 1 of 3 FAB-00-XX-DR-L-1001 A1 Rev PL05.  
Combined Hard & Soft General Arrangement Plan - 2 of 3 FAB-00-XX-DR-L-1002 A1 Rev PL05.  
Combined Hard & Soft General Arrangement Plan - 3 of 3 FAB-00-XX-DR-L-1003 A1 Rev PL05.  
Colour Landscape Masterplan FAB-00-XX-DR-L-1004 A1 Rev PL03.  
Play Area Detailed Design - LEAP & LAP FAB-00-XX-DR-L-5001 A1 Rev PL05 (but only in respect of the LAP play provision).  
Detailed Planting Schedule and Planting Notes FAB-00-XX-DR-L-3000 A1 Rev PL02.  
Detailed Planting Plan - Sheet 1 of 3 FAB-00-XX-DR-L-3001 A1 Rev PL02.  
Detailed Planting Plan - Sheet 2 of 3 FAB-00-XX-DR-L-3002 A1 Rev PL02.  
Detailed Planting Plan - Sheet 3 of 3 FAB-00-XX-DR-L-3003 A1 Rev PL02.  
Landscape Maintenance & Management Specification FAB-00-XX-SP-L-0001 A4 Rev PL01.  
CDM Risk Register FAB-00-XX-RR-L-0001 A4 Rev PL01.  
Landscape and Ecological Management Plan LLD2326-ECO-REP-004 Rev 01.  
External Works: Surfacing Layout: Sheet 1 Of 3 091.5016.1101 (Rev C).  
External Works: Surfacing Layout: Sheet 2 Of 3 091.5016.1102 (Rev C).  
External Works: Surfacing Layout: Sheet 3 of 3 091.5016.1103 (Rev C).  
Tree Retention and Protection Plan LLD2327-ARB-DWG-002 (Rev 09).  
Shading Plan LLD2327-ARB-DWG-003 (Rev 03).  
Finished Levels Sheet 1 091.5016.0601 (Rev B).  
Finished Levels Sheet 2 091.5016.0602 (Rev B).  
Finished Levels Sheet 3 091.5016.0603 (Rev B).  
Electric Vehicle Charging Plan 91.0016.004 (Rev C).  
Visibility Splay Assessment 91.0016.003 (Rev D).  
Refuse Tracking Vehicles 91.0016.001 (Rev F).  
Fire Tender Tracking 091.0016.002 (Rev C).  
Prolectric Lighting Design Booklet (Rev E); and  
Prolectric Permanent Solar Lighting Specification.

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

- 2 No development/demolition/levels changes (apart from any survey works required by other conditions) shall take place and no machinery shall be introduced to the site, unless and until written confirmation supported by photographic evidence is provided from the Arboricultural Expert representing the site owner(s) to demonstrate that all protective fencing and ground protection has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on the Tree Retention and Protection Plan, drawing. no. LLD2327-ARB-DWG-002, Rev 06.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 3 All activity at the site is to be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement, ref. LLD2327-ARB-REP-001, Rev 07, 08 September 2022.

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 bespoke 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 BS5837:2012 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.

- 4 No development above damp proof course (DPC) level shall take place until full details of the proposed in-curtilage cycle stores/spaces/garage racks for those dwellings which do not benefit from a communal store have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage sheds/spaces/racks associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policies T SP1 and T DM1. The Transport Statement states cycle parking for the houses will be provided within sheds in the rear of each garden or in a garage but there is no confirmation which or details of the sheds.

- 5 Notwithstanding the requirements of condition 10 of AL/113/21/OUT and the content of approved drawing FAB-00-XX-DR-L-5001 A1 Rev PL05, none of the dwellings shall be occupied unless and until full details of the play provision within the LEAP and management arrangements for the LEAP have been submitted to and approved in writing by the Local Planning Authority. The LEAP play provision shall be implemented in accordance with the approved details prior to occupation of the 33rd dwelling and permanently retained thereafter. The management details as approved shall then be permanently adhered to.

Reason: To ensure that acceptable LEAP 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.

- 6 None of the dwellings shall be occupied unless and until details of the maintenance & management body responsibility of the site post completion has been confirmed and approved in writing by the Local Planning Authority.

Reason: To ensure that public areas of the layout are satisfactorily managed post completion in accordance with policy OSR DM1 of the Arun Local Plan.

- 7 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.

- 8 All flank bathroom or WC windows shall be glazed with obscured glass and non-openable below 1.7m above finished floor level. This arrangement shall be permanently retained thereafter.

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

- 9 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no dormer/roof extensions/alterations to plots 7, 8, 51 or 52 as approved shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate interface standards and in the interests of visual amenity in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 10 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.

- 11 **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, set out in the NPPF.

- 12 **INFORMATIVE:** This permission does not formally discharge any of the conditions that require the submission of details for approval in writing as imposed on the outline planning permission and separate applications will be required. Please also note that this layout has been approved without agreement of the council's drainage engineers and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new reserved matters 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. Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by full details in

accordance with the guidance and checklist here <https://www.arun.gov.uk/surfacewater>.

- 13 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 13/07/22) as available on the Councils website.
- 14 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.
- 15 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.
- 16 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 17 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.

<b>BACKGROUND PAPERS</b>
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[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/96/22/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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