

Report following a request for further information, negotiations or consultation

REF NO: AL/70/23/OUT

LOCATION: Land West of Lidsey Road (A29)
Lidsey

PROPOSAL: Outline planning application with all matters reserved except access for residential development of the site with up to 155 dwellings (Use Class C3), informal and formal public open space, landscaping, drainage, and other associated works. This application is a Departure from the Development Plan. This is Not CIL liable as Outline.

This application was deferred from the September Meeting to allow for the councils legal team to review and respond to the draft s106 agreement submitted by the applicant. The council's planning lawyer has duly confirmed that:

- The draft s106 from the applicant has been received.
- Legal are happy with the general principles of the s106.
- The draft agreement is now in the process of being finalised with reference to comments from ADC, WSCC and the applicant.
- Legal are actively working on progressing the agreement.

It is noted that members raised no other issues with the application. This update only deals with the matter of the s106 that were the sole reason for the deferral. No other matters were raised at the Committee and it is therefore expected that all other matters were considered to be acceptable.

Through discussions regarding the delivery of the applications within the Barnham/Eastergate/Westergate strategic allocation, issues around how to provide for primary school capacity within the catchment have come up and are in need of resolving. WSCC were asked if they wanted to consider this issue in their consultation response and they have confirmed that their position remains unchanged from that originally reported.

PLANNING APPLICATION REPORT

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PO22 9RG

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SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Although layout is a reserved matter, an indicative layout has been provided which shows areas of new homes and an area of open space sited broadly centrally. The application uses the access from Lidsey Road approved by AL/129/21/OUT. This access arrangement is to be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bell mouth arrangement with 15m radii. It benefits from visibility splays of 2.4m by 160m and there is to be a ghost island in the carriageway to facilitate right turn waiting. The resultant Lidsey Road carriageway lanes will each be 3.25m wide. The approved scheme proposed a new footway along Lidsey Road between the new access and the existing footway outside April Cottage to the north.

The illustrative layout suggests a play area in the south-west corner and significant buffer planting (20m wide) along the western boundary. Internally, there would be 2m wide footways and shared surface drives at the end of some cul-de-sac spurs. Two farm access points are indicated into the adjacent field on the west side of the layout. These are to retain options for access in a reserved matters scheme to the adjacent arable fields. The plan includes a narrow strip of land running west alongside the landfill access, and it is understood this is required to facilitate a drainage connection to the ditch to the west.

SITE AREA

8.70 hectares but this includes the access to the site and the associated extent of road improvements previously approved by AL/129/21/OUT.

RESIDENTIAL DEVELOPMENT DENSITY

The density of the area of land to be built on is (up to) 21.2 dwellings per hectare based on an area of 7.33 hectares (which excludes the previously approved access).

TOPOGRAPHY

The land falls gently by approximately 2m from the northern boundary towards the south-western corner. This change in level is over a significant distance and the site appears predominantly flat. The eastern boundary adjoining Lidsey Road is raised slightly (by approximately 1m).

TREES

There are relatively few trees in the site with most to the boundaries and as part of existing hedgerows. The tree plan indicates, based on the illustrative layout, that the following would be felled:

- A class C Willow tree situated close to the western boundary.
- Part of two groups of class C Cypress trees (refs G68 & G74) on the northern boundary adjacent the site access.
- Part of another group of class C Cypress trees (ref G75) on the northern boundary.
- A footpath width sized part of a class C Hawthorn hedge close to Lidsey Road; and
- Three parts of a group of class C Hawthorn/Willow trees running east/west centrally through the site.

A Tree Preservation Order (TPO/AL/7/22) protects 9 Pedunculate Oak and 1 Ash on the site of AL/129/21/OUT.

BOUNDARY TREATMENT

Mix of hedging, ditches and low timber/wire fencing. The western site boundary is currently undefined.

SITE CHARACTERISTICS

The site comprises parts of two agricultural fields separated east/west by a hedgerow. There is a ditch system running centrally through the site and along all boundaries except where the access will meet Lidsey Road.

CHARACTER OF LOCALITY

The site is predominantly rural as it borders open fields and the surrounding landscape is agricultural fields, with relatively few residential properties. The adjoining residential properties are 1 and 2 Farrows Barn adjacent to the northern boundary which are single storey (barn conversions) with rear ground floor living and bedroom windows.

To the west lies the Lidsey Landfill site which was closed and restored in 2017. The waste encapsulated in the site continues to degrade and produce liquid (leachate) and landfill gas. These waste degradation products are actively managed through a network of wells and pipework which take the leachate and landfill gas to the environmental management compound at the landfill site entrance on the east side of the site. The leachate is discharged to a sewer under an effluent discharge consent. The gas, which has a high proportion of methane, is used to generate green electricity as permitted by planning permission AL/88/06.

RELEVANT SITE HISTORY

AL/192/22/ESO	Environmental screening request for up to 155 No dwellings, associated landscaping, Public Open Space and associated infrastructure.	ES Not Required 10-01-23
AL/129/21/OUT	Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan.	App Cond with S106 22-08-22

AL/129/21/OUT was approved in August 2022 following a resolution by committee in April 2022. This application secured the access details and improvements which this new application now seeks to benefit from. AL/192/22/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in January 2023 that an EIA would not be required.

Pre-application advice was given in February 2023 for a development of up to 155 dwellings and

concluded that:

"The proposal despite being outside of the BUAB, has to be considered to be sustainably located due to the presence of the existing approved scheme and the location of the BEW site opposite. The proposal would result in economic and social benefits including a contribution to the current HLS shortfall.

However, we have concerns about the harm to the character of the landscape in this location and the spread of development into open countryside. The harm is likely to be significant. We will need to weigh up potential harm to wildlife, loss of agricultural land and any pollution impacts. It is not possible at this time to say whether the proposal would be capable of officer support, but it is accepted that the Council's current HLS shortfall is significant, and the contribution of this application would be substantial. However, should the proposed changes to the NPPF go through before the application is determined then more weight would be afforded to the ANDP policies, and this could result in a refusal on grounds of the principle of residential development in the countryside and associated visual harm."

REPRESENTATIONS

Aldingbourne Parish Council - Object:

- Outside the Built-Up Area Boundary (BUAB) / Departure from the development plan.
- Aldingbourne has exceeded its agreed housing allocation.
- Impact on the Singleton and Cocking Tunnels Special Area of Conservation.
- Loss of Grade 1 Agricultural land.
- Harm to the rural character.
- Trees and hedgerow are to be removed.
- Housing density is excessive; and
- The scheme does not integrate effectively with existing developments and does not show how access to the site will be used by all parties to the area.

Two resident objections raising the following concerns:

- The application is premature as it departs from the Aldingbourne Neighbourhood Development Plan (ANDP).
- Loss of Grade 2 Agricultural land.
- No assessment of alternative sites.
- The site is a natural floodplain.
- The access is dangerous, and the Lidsey landfill access junction should be used instead.
- Cycling on the A29 is not viable due to unsafe road conditions.
- The site is in close proximity of the Lidsey Landfill site and will be subject to odour and ground pollution.
- Inadequate infrastructure in the area to cater for further development.
- Site address is incorrect and the application is unlawful (the site is in Lidsey and the postcode is wrong).
- Insufficient foul sewers to serve the development.

An objection has been received from Suez Recycling & Recovery UK who manage the closed landfill site at Lidsey on behalf of Lidsey Landfill Limited (LLL). This states that the supporting documents have not fully considered the activities being undertaken at the site and that the addition of new residential dwellings within 150m of the boundary of a Waste Management Facility will create new receptors for existing impacts. Suez request that further information is provided including details on noise and air quality assessment and mitigation as well as a landfill gas risk assessment.

Suez state if the planning authority is minded to approve this development, they would recommend that

the levels of mitigation required are established prior to a decision on the application and that they are suitably effective and enforceable to ensure their implementation to protect the amenity of any possible future occupants and the ongoing management of the closed landfill.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of the objections are discussed in the content of the conclusions section with the exception of the following:

- There is no policy requirement to assess alternative sites. This would only be required if the site was in Flood Zone 2 or 3, but this site is designated as Flood Zone 1.
- The access has been approved (AL/129/21/OUT) and must be considered as safe.
- The site has been addressed by the Local Planning Authority not the applicant. Any errors does not make an application invalid.

The comments from Suez relating to the landfill site are discussed in the report's conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - originally requested further information in respect of a highway capacity analysis, consideration of committed/local plan developments, and a collision analysis. Stated permission should not be granted for 3 months from the date of the response (26/05/23) to allow the applicant to resolve outstanding matters.

NATURAL ENGLAND - state have no specific advice.

SOUTHERN WATER - no objection subject to an informative.

SOUTH DOWN NATIONAL PARK AUTHORITY - advise no comment.

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

WSCC WASTE & MINERALS - originally requested further information in the form of a Waste Infrastructure Statement.

WSCC HIGHWAYS - originally requested further information in respect of confirmation that junction stacking in the right turn lane can accommodate the additional capacity of the development, and further consideration from the Road Safety Auditor on the additional proposals for the development. Also advised:

- The separation between the proposed BEW roundabout and site access junction is acceptable.
- A reduction to 40mph on this part of the A29 has been discussed with the BEW developers, although at this stage this has not been fully confirmed.
- A connection will be provided that links to the footway provision in the AL/129/21/OUT development - this will facilitate pedestrian permeability between the site and the existing footway network.
- The site is sustainable.
- The submitted Travel Plan accords with WSCC guidance.
- Junction Capacity Assessments have been undertaken and demonstrate that the development will not have a 'severe', impact on the operation of the highway network; and

- The development is forecast to generate 4 peak hour movements across the level crossing, a level of traffic that would have an imperceptible impact on its existing operation.

WSCC FIRE & RESCUE - no objection subject to a condition to secure fire hydrants.

WSCC DRAINAGE - object based on inadequate information to meet current drainage policy and ensure flood risk does not increase elsewhere.

WSCC 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. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district.

ADC LANDSCAPE - no objection subject to a landscape scheme and provision of on-site play/open space. The potential impact on the location would require that landscaping be provided as mitigation towards screening and softening of the development. Consideration will be required re the access from the A29 and the impact this may have on trees and hedges on any boundaries. The SPD requires 12,788m² as a minimum of well connected, usable, quality POS provision. On site Local Areas for Play (LAP), Local Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP) provision will be required. The submission states the provision of 3no LAPs, 1no LEAP and 1no NEAP which would appear suitable provision for the development.

ADC ENVIRONMENTAL HEALTH - object due to insufficient information relating to noise from the ongoing management of the closed Lidsey landfill site (from the irregular gas flaring and from the leachate management function). Request more information regarding the impact of Sulphur oxides (SO_x) from the Landfill site. Recommend conditions relating to contamination, hours of construction and asbestos.

ADC ECONOMIC DEVELOPMENT - request a condition to secure an Employment and Skills Plan.

ADC HOUSING STRATEGY & ENABLING MANAGER - no objection, require 30% affordable housing comprising 67% affordable rented dwellings, 25% First Homes and 8% other intermediate ownership products.

ADC DRAINAGE ENGINEERS - no objection subject to standard conditions. State:

- The location of the access is unlikely to prejudice surface water drainage or increase flood risk onsite or elsewhere; and
- The developer has evidenced that infiltration is not viable therefore the design attenuates surface water on the site in various open features, before discharging it to watercourses that either bisect or bound the site at a restricted rate.

COUNCIL's ECOLOGIST - no objection subject to conditions to secure biodiversity mitigation and enhancement measures.

COUNCIL's ARCHAEOLOGIST - no objection subject to a condition. State agreement with the Desk Based Assessment Study with regard to the likely archaeological potential of this site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

NATIONAL HIGHWAYS (NH) - the applicant provided further information and has been in communication with NH to seek to overcome their issues. On the 15th August, NH wrote to say that their holding objection has been lifted and they recommend no conditions.

WSCC WASTE & MINERALS - a Waste Infrastructure Statement was provided and passed to WSCC who confirmed no objection with the following comments:

- The 'no objection' is subject to the LPA being satisfied (in consultation with Environmental Health) that the delivery of the development would not introduce new sensitive receptors in the close proximity of the existing waste infrastructure.
- The determining authority should be satisfied that the submitted odour and noise assessments meet the relevant criteria as to ensure there would be no significant impact upon amenity.
- The current gas generation operation (AL/88/06), is restricted in that condition 6 specifies that noise rating levels shall not exceed noise limits (5db above background) at the nearest neighbouring receptor.
- While the distances of the existing nearby receptor (to the south) and the development are somewhat similar, if the proposal were to introduce buildings in a closer proximity to the site and the noise levels as specified in the condition are exceeded, then the waste permission would be in breach of its operational condition, which would cause complications for the restoration/aftercare of the landfill site.

WSCC HIGHWAYS - the applicant supplied information and WSCC Highways advise no objection subject to conditions (access and construction management plan) with the following comments:

- The Road Safety Auditor confirmed that based on the information, the junction would operate satisfactorily.
- The right turn lane on the A29 is 22.65m long and can accommodate approximately three cars; and
- The access junction has been tested for am/pm traffic levels associated with the 2023 & 2028 base levels plus committed and proposed developments - and no vehicles would be queuing on the A29.

WSCC DRAINAGE - advised on 17/08/23 that following correspondence with the applicants, their objection is withdrawn. They request drainage conditions which are already covered by those included in the recommendation at the request of our engineers.

WSCC EDUCATION - this objection is due to the current inability to expand secondary school provision to accommodate pupils arising from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate the need for a new secondary school and there is no policy requirement for the development to provide a school on site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities and the developer will be liable for such. 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."

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution will be secured through the s106 agreement.

ADC ENVIRONMENTAL HEALTH (EH) - in response to concerns, the applicant provided additional documents regarding the closed landfill site. These comprise an addendum noise assessment, an

addendum air quality assessment, and a waste infrastructure statement addendum. The requested asbestos condition will not be included as it clearly states it is required for buildings and there are no buildings on the land. EH subsequently advised they have assessed the noise and air addendum reports and have no further comments. They request that the full contaminated land condition that they previously requested is placed on any permission given. This condition is included within the report.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Within the 250m consultation area of Lidsey Landfill. *
- Adjacent to the A29.
- Part opposite the BEW Strategic Allocation.
- Current/Future Flood Zone 1.
- Tree Preservation Order ref TPO/AL/1/22.
- Within a WSCC Waste Site Buffer.
- Grade 2 Agricultural Land.
- CIL Zone 3.
- Part within 12km of the Singleton & Cocking Tunnels Special Area of Conservation.
- Area of Advert Special Control; and
- Part in an Archaeological Notification Area.

There are no Public Rights of Way in or immediately adjacent to the site - footpath ADL291 to the west of the site is closed until the restoration of the landfill site is completed.

* The Lidsey Landfill site stopped accepting non-inert waste in December 2015 and is in the process of restoration and aftercare. There are related waste permissions at the site (a leachate storage compound and electricity generation from landfill gas).

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
GISP1	GI SP1 Green Infrastructure and Development
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
SKILLSSP1	SKILLS SP1 Employment and Skills
SODM1	SO DM1 Soils
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
WMDM1	WM DM1 Waste Management

[West Sussex Waste Local Plan 2014:](#)

	West Sussex Waste W2 Safeguarding Waste Management Sites
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH3	Development of agricultural land
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 EE8	Communications infrastructure
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA2	Footpath and cycle path network
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy LC4	Provision of allotments
Aldingbourne Neighbourhood Plan 2019-31 Policy	Provide Housing to meet District Council allocation

H1 2019

Aldingbourne Neighbourhood Plan 2019-31 Policy H2 Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy H4 Affordable Housing

Aldingbourne Neighbourhood Plan 2019-31 Policy H7 Development in the vicinity of businesses

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 (ANDP) 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 conflicts with the development plan in that it would result in development outside of the defined settlement boundary and the loss of grade 2 agricultural land. There are conflicts with the specific requirements of Arun Local Plan policies SO DM1 & W DM1 and with the ANDP in respect of the loss of agricultural land and the lack of evidence about local housing need.

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 set out 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 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.

Paragraph 14 of the NPPF currently states 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:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In January 2023, the council published its Authority Monitoring Report (AMR) for 2021/22 and this shows that the Housing Land Supply (HLS) is 2.36 years. On the basis of the current HLS and the age of the ANDP, para 14 of the NPPF does not apply. It is acknowledged that Aldingbourne has significantly contributed to housing development. There is still an unmet need across the district and this needs to be considered in all locations despite previous contributions.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP is relatively recent but due to the HLS being below 3 years does not benefit from the weight given to recently made plans from para 14 of the NPPF and so the presumption in favour of sustainable development is unaffected by the ANDP.

Arun Local Plan:

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 in the BUAB. The application conflicts with ALP policies C SP1 and SD SP2.

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 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 part (v) of EH1. The following is an analysis of the EH1 criteria:

(i) The proposal would contribute up to 6.7% towards the current annual housing requirement and is clearly proportionate to the current housing supply shortfall as defined by the ALP. It is unclear from the submission how this proposal will meet specific needs of Aldingbourne particularly as according to ANDP policy H1 2019, the Parish has exceeded its allocation by 48 units. Albeit that it would first be necessary to secure a reserved matters consent, the applicant has stated that the site is proposed for delivery in the short term.

(ii) A Landscape Visual Impact Assessment (LVIA) has been submitted. This states the site has capacity to accommodate and integrate, overtime, residential development of the scale and nature envisaged without significant adverse effects in landscape and visual terms. The Councils Landscape Officer raised no objections on landscape matters.

(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 integrated with existing development and is of a density appropriate to the location.

(iv) An Appropriate Assessment has been undertaken and this concludes that subject to conditions being imposed, there will be no adverse effect on the integrity of the Singleton and Cocking Tunnels SAC.

(v) This report concludes that although the site will be car reliant, when considering the NPPF as a whole, it is a sustainable site. The site adjoins land approved by AL/129/21/OUT and is opposite to the western edge of the BEW strategic allocation (which is part of the BUAB).

(vi) This report concludes no adverse environmental, amenity, ground water flooding or traffic impacts.

(vii) The site does not lie in 50m of any of the ANDP's biodiversity corridors.

There is a slight conflict in respect of (a) in that the proposal does not make it clear how it relates to the needs of the Aldingbourne Parish but otherwise the proposal complies with the policy requirements.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining 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 would be triggered.

Other Material Considerations

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It

recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site (20AL2) was stated to be 'deliverable' in the 2021 HELAA and so does benefit from support from the Action Plan.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB to the immediate east (on the opposite side of the road). The IHS sets out criteria to help speed up determinations of suitable residential developments. The application states the proposal meets all but one of the criteria (the exception being the site is not in the BUAB) and scores highly against the criteria.

Sustainability

The proposal, despite being outside the BUAB, is sustainably located as it is to the immediate south of Aldingbourne and is west of the edge of the BEW strategic allocation. It will be possible for residents to use non-car means of transport to access schools, pubs, shops, and other services. The site will link with the development approved by AL/129/21/OUT which benefits from new footway on Lidsey Road and enables residents to walk safely to access services/facilities to the north including the bus stops outside the Wings site. The Design and Access Statement shows the proximity of nearby facilities.

The site entrance will be not far to the north of the proposed A29 roundabout and entrance to BEW so that residents will in the future be able to access facilities and services in Barnham by heading east through the BEW development. Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys and although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative. The eventual residential scheme will include secure cycle storage and electric vehicle charge points.

Conclusion on Matters of Principle:

The principle of development on this site conflicts with the ALP but is broadly in accordance with policy EH1 of the ANDP and the conflict between the two would be resolved in favour of the newer ANDP. Even if it were considered that the proposal conflicts with policy EH1 (due to a lack of information as to how the proposal meets the needs of Aldingbourne), because the Council's HLS is below 3 years, paragraph 14 of the NPPF would not apply and the application would then fall to be determined by the NPPF presumption in favour of sustainable development under paragraph 11(d).

PREMATURITY:

Para 49 of the NPPF states a refusal on prematurity grounds will only be justified where the development would undermine an emerging development plan and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Neither of these circumstances apply as the ANDP is a made plan. The application cannot be said to be premature.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification and Soil Resources Report (ALC) which concludes that 7.8ha of the site is Grade 2 (very good quality) with 0.9ha as non-agricultural. The documents do not comment on recent agricultural activities at the site, but photographic and site visit evidence suggests fields have been ploughed recently and have been planted with crops. There is potential for such arable agricultural activities to continue.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. ANDP policy EH3 states development proposals affecting best and most versatile agricultural land will be resisted unless it can be demonstrated that the need for the development clearly outweighs the harm.

In allowing an appeal (Y/62/18/OUT) at Clays Farm, which concerned a refusal on loss of grade 2 agricultural land, the Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered that the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

Although this land is (or has until very recently been) used for crops, the Council's housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need. The three separate field nature of the site is a potential constraint to continued agricultural viability as larger tracts of land are preferred in the interests of efficiency.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan (SRP). Whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. A condition can be imposed to secure a SRP to protect and secure reuse of the important soils.

On a recent appeal (P/178/21/OUT), the Inspector ruled a conflict with the soil policy but determined, in the overall balancing exercise, that this conflict was outweighed by the scheme's benefits. The Inspector gave the loss of agricultural land moderate weight and stated that the shortfall in housing land supply is significant - and is likely to continue for some time with no imminent remedy through the plan making process. The Inspector noted that most countryside surrounding the main coastal towns in Arun is characterised as BMV land, but it is difficult to avoid new development on the edge of such settlements resulting in the loss of some high value agricultural land.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted and one has been submitted. The council's Archaeologist raises no objections and 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. ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes whilst GA3 requires parking be provided to meet current standards.

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 to take access from Lidsey Road using the access junction/road approved by AL/129/21/OUT. This will be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bellmouth arrangement with 15m radii & visibility splays of 2.4m by 160m. The approved access provides new 2m wide footway on Lidsey Road between the new access and existing footway outside April Cottage to the north (a distance of 125m). This new application provides road and pedestrian links with the approved development to enable people to access the new footway to head north to Aldingbourne. All other field gate accesses would be stopped up and there are no planned connections to the Lidsey landfill access to the south. The application states the site access arrangements approved as part of AL/129/21/OUT are appropriate to serve the new proposal.

The comments of WSCC Highways are set out in full on the Councils website and summarised elsewhere in this report. They raise no objection and consider that there would not be an unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network.

As there are no details as to layout, size of the houses or the exact form of parking spaces, it is not appropriate to consider parking provision. Compliance with the Arun Parking Standards SPD will be considered at reserved matters stage. This includes 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.

The proposal is compliant with the relevant development plan policies and 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. ANDP policy H3 states density should be appropriate to location.

Section G of the Arun Design Guide (ADG) suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations but 15-25 for detached/semi-detached houses and 20-30 for terraced houses in the 6 village areas. The ADG states 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 illustrative layout plan shows a mix of detached, semi-detached and terraced housing. The density is up to 21.2 dwellings per hectare (dph). This compares favourably with the density on the adjoining site of up to 26.9 dwellings per hectare (dph). It is material that permission is applied for up to 155 dwellings and so the Local Planning Authority (LPA) would be able to seek a lower number of dwellings at reserved matters stage should this be required following assessment versus the detailed design policies.

The application is outline and does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests the site layout will ensure significant buffer planting to

the western boundary (where the site adjoins open fields). The other boundaries are with the landfill access track (south), Lidsey Road (east) and part horticultural development, part approved residential land (north). The site plan suggests tree planting to other boundaries except where the site adjoins an existing access track to the west of Farrows Barn (northern boundary). The applicant supplied a composite illustrative layout plan covering this site and the approved. This shows the two indicative layouts match up. The indicative layouts are not endorsed by this recommendation as there is potential for significant improvements to be made to layout, open space and movement around the sites.

At pre-application stage, officers expressed concerns with the proposed spread of development west and south from the approved scheme into open countryside. At the same time, it is recognised that the land on the east side of Lidsey Road is part of the BEW strategic allocation and so the site frontage will in the future face part of the BEW frontage. This serves to limit the harm arising from the southern spread of the development. The western spread aligns with the existing extent of horticultural development to the north.

There is a Public Right of Way (PRoW) to the west of the site around 500m from the western edge and photographs in the Landscape and Visual Impact Assessment (LVIA) suggest existing trees will screen the site from view. There will be views from Lidsey Road notably where there are existing gaps in the frontage landscaping. As there is no public footway, the site will only be viewed by passing motorists/cyclists or by existing nearby residents (Fox Cottage, Headholme Cottage, Headhone Barns). Any views from the private track to the north or from the Lidsey landfill access track to the south will be experienced by relatively few people. These views will not persist as landscaping is indicated to existing boundaries and over time this will steadily diminish the existing views.

The submitted LVIA states that:

- Western and southern landscape buffers will be key to creating a well-defined settlement edge, restoring former field patterns in places, and appropriately extending the current perceived built settlement edge southwards whilst maintaining the enclosed character of the immediate locality and ensuring a positive transition with the wider arable context.
- The effects to both the landscape character and visual amenity are restricted to very localised receptors; and
- The effects have been considered in combination with the wider BEW site and adjacent permitted scheme directly north.

Although the development will result in some visual change to the character of Lidsey Road, this change needs to be considered relative to its significance as well as being balanced against the need for housing. The Councils Landscape Officer raises no objections subject to landscaping being secured and it is not considered that the impacts on character would significantly outweigh the presumption in favour of sustainable development.

The proposal is acceptable in respect to density, landscape and character and there is no conflict with 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 ADG sets out guidance on garden depths and interface distances between houses.

It is appropriate to ensure the proposed (up to) 155 homes can be achieved without giving rise to harm to

existing residential properties. There are two existing dwellings that border the site (1 & 2 Farrows Barn on the northern edge), and the layout suggests that landscaping/open space will be provided on two sides of this. This will ensure no impact to these properties. 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.

AIR POLLUTION:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

Both the indicated layout and the footway improvements proposed by AL/129/21/OUT ensure residents can safely walk out of the site and north towards nearby services/facilities. Confident cyclists can use Lidsey Road to reach destinations to the north and south. Electric vehicle charging points and cycle storage facilities will promote the use of non-car means of travel and so potentially reduce vehicle emissions. The provision of high-speed broadband will allow for homeworking.

The submitted Air Quality Assessment (AQA) concludes the operation of the development is not expected to introduce new receptors into an area of poor air quality, nor is anticipated to significantly impact on local air quality with regards to traffic generation. It states that the following measures will be introduced in order to reduce any impacts: the provision of Electric Vehicle Charging Points, cycle storage facilities, the implementation of a Travel Plan, improvements/connections to cycle paths and the local cycle network, and the planting of green infrastructure.

An odour assessment assesses the potential for odours associated with the Lidsey Landfill Site and Lidsey Wastewater Treatment Works. This states the presence of odour associated with a gas flare at the Lidsey Landfill Site was recorded during two of the three surveys conducted, at locations adjacent to the flare stack. Sampling in locations where proposed high risk (residential) receptors are set to be situated in the masterplan, all returned a 'Negligible' exposure risk.

The AQA states additional modelling to assess the impact of the neighbouring Landfill's gas generators on proposed residential receptors has been undertaken but the annual mean and short-term air quality standards are not anticipated to be exceeded at the development as a result of the operation of the landfill gas generators.

Following the Suez objection and the comments of the Environmental Health Officer (EHO), the applicant provided an addendum to the AQA which assesses an additional pollutant emitted from the landfill gas generators - sulphur dioxide (SO₂). This includes modelling and assessment of SO₂ and concludes that none of the UK Air Quality Standards are anticipated to be exceeded at the development as a result of the operation of the gas generators. On this basis, the report states the development is expected to comply with all relevant local and national air quality policy.

The EHO has been consulted on the updated AQA and subsequent comments will be reported at the meeting. WSCC Minerals & Waste assessed the Waste Infrastructure Statement and state no objection (although this is subject to the EHO lifting their concerns). The council consulted with the Environment Agency (EA), but they have not responded. The EA stated on the last application that the consultation request fell outside their statutory external consultation checklist and they had no comments.

Subject to confirmation from the EHO, the proposal will accord with the relevant development plan policies.

NOISE POLLUTION:

Policy QE DM1 states that residential development likely to experience road or rail noise must (a) be supported by a noise exposure category 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 accompanied by a Noise Impact Assessment (NIA) which recommends acoustically rated windows and ventilation to habitable rooms. It concludes that with these mitigations, noise in habitable rooms would be appropriate and that daytime external noise levels will be lower than acceptable levels. The EHO raised no objections in respect of road noise but following the Suez objection, has requested further information in respect of the potential for noise from the ongoing management of the closed Lidsey landfill site (related to the gas flaring and leachate management activities).

The applicant provided an addendum to the NIA which includes assessment of noise impacts relating to the activities at Lidsey Landfill. The addendum shows noise from the landfill did not affect monitored locations in the site boundary. It concludes "the landfill plant would have a lower than adverse impact on the proposed development and there would be no breach of the landfill site's noise-related planning conditions as a result of the new development."

The planning permission associated with the gas management infrastructure (which Suez operate) has a condition which states "The rating level of the noise emitted from the site hereby approved shall not, at any time, exceed the background noise levels (LA90, T) at the nearest noise-sensitive premises by more than 5 dB(A). The measurements and assessment shall be made according to BS 4142: 1997." The noise assessment addendum shows that whilst the development introduces new sensitive receptors, the stated noise limits will not be exceeded in the site area.

The EHO has been consulted on the updated assessment and any subsequent comments will be reported at the meeting. Subject to confirmation from the EHO, the proposal will accord with the relevant development plan policies.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further, that schemes proposing outdoor lighting be accompanied by an assessment. 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.

The Design and Access Statement states lighting will be covered at reserved matters stage but will seek to avoid impacts on sensitive habitats, foraging and commuting routes. It is agreed lighting can be reserved to a condition and this will ensure lighting is designed to be sensitive to bats/other wildlife using site boundaries. There are no conflicts with relevant policies.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The Preliminary Ground Contamination Risk Assessment states the site has comprised agricultural fields since the earliest mapping (1876). Aside from minor developments of agricultural buildings on the northernmost part of the site, the site has remained in agricultural use since that time. The report identifies potential pollutant linkages associated with localised historical

development on the northern boundary and the landfill site to the south-west.

The EHO raises no objection subject to a standard pre-commencement contamination condition. With this in place, remediation can be secured, and the proposal will thus be in accordance with the policy.

TREES:

ALP policy ENV DM4 states trees protected by TPO, those forming Ancient Woodland, in a Conservation Area or that otherwise contribute to local amenity should not be damaged or felled unless the benefits of the development outweigh the loss. Similarly, ANDP policy EH6 states loss of trees contributing to amenity can be sanctioned where the benefits outweigh the loss.

The application proposes to remove several small low value/non-native trees forming part of self-seeded/un-managed hedgerows in the site. These are predominantly Cypress but do include Willow and Hawthorn. The adjacent site is subject to a TPO which protects 9 Pedunculate Oak and 1 Ash tree four of which are on the southern side of the access. The illustrative layout suggests no impact on these trees which will be within open space.

The council's tree officer has not responded but on the previous application, the officer raised no objections, and it is material that the important trees on the two sites (which lie around the shared access) have been protected and that there is no firm layout yet to assess in respect of the relationship of development to trees.

Landscaping will be assessed at reserved matters stage and the council will require two trees are planted for each lost and that new hedgerow is planted to replaced that lost. This will be included in a condition. Tree and hedgerow loss are required to facilitate the development, but this is not excessive and there will be space available on site to allow tree planting on a 2:1 ratio. The benefits of this development to the Councils HLS outweigh the limited harm in respect of the lost trees and 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. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

Around half of the site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 2019 states proposals for development of greenfield sites in this area 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. Such features should be retained unless it is proven that they are not used by Barbastrelle, Bechstein or other bats linked with nearby roosting sites.

The application is accompanied by an Ecological Impact Assessment (ECIA) Lighting & Reptile Strategy Addendum (LRSA) and a Habitats Regulations Screening Statement & Appropriate Assessment (HRSS). The ECIA found evidence of reptiles, foraging and commuting bats, breeding bird species and overwintering bird species. No evidence of badgers, dormice or great crested newts was found. The report recommends mitigation measures including habitat creation and management.

The ECIA identified a likely negative impact on bats and reptiles significant at a local level and recommends a sensitive lighting plan to include dark corridors and a greenspace buffer providing additional habitat for reptiles within the site. The LRSA provides detail on this measure - with site

boundaries being retained as a dark, wild area. The council's ecologist states no objection subject to conditions to secure biodiversity mitigation and enhancement measures.

The HRSS was commissioned to determine any likely significant effects of the residential development on the SAC and its qualifying features. It concludes no likely significant effects alone or in combination with other plans and projects. Using the information contained in the supporting documents, the council prepared a screening report as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concludes there are no likely significant effects on/no adverse effect on the integrity of the Singleton & Cocking Tunnels SAC. Natural England were requested to review this and have advised in response that they have no comments to make. On this basis, there is no conflict with ANDP policy EH12 2019.

The proposal results in the loss of some or all of five tree groups plus a small section of Hawthorne hedge. The loss of the native species (Willow, Hawthorn) is unfortunate but will be compensated for with new native species to be detailed at reserved matters stage. This will ensure these losses are fully mitigated. Other biodiversity enhancement measures can be secured through conditions. The proposal complies with the relevant policies.

FLOODING & SURFACE WATER DRAINAGE:

The site is not affected by 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. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

The surface water drainage strategy is to attenuate water in basins or other shallow SuDS features before discharging at a restricted rate (and treating it prior to discharge) to the existing watercourses adjacent to the site that drain to the west. The system is likely to feature swales, filter strips and filter drains. No objections are raised to the approach and the detailed elements can be secured by condition. On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area and ALP policy W DM1 states major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 states a drainage impact assessment (DIA) is required for major proposals. ANDP policy EH5 requires new development make appropriate provision for accommodating foul water arising from the development.

The application is not accompanied by a full DIA with foul drainage covered as a part of the submitted Flood Risk and Drainage Statement. This states the site will drain to the existing foul main sewer network that serves Woodgate House. A mix of gravity drainage and pumping will be used depending on the levels on a particular part of the site.

Southern Water advise no objection. They have undertaken a desktop study of the impact that the additional foul sewerage flows from the development will have on the existing public sewer network, and this indicates additional flows may lead to an increased risk of foul flooding from the sewer network but any network reinforcement deemed necessary will be provided by Southern Water.

A residential developer has a right to connect to the existing sewerage system with any offsite network

improvements undertaken by Southern Water using revenue they collect from by their Infrastructure Charging Scheme.

Although there is a conflict with policy W DM1 due to no Drainage Impact Assessment, this conflict is minor, and it is material that neither Southern Water nor the council's drainage engineers object.

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application suggests the dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. Conditions will need to be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This will ensure compliance 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. This does not mean that it is a requirement of this policy. Lifetime Home standards no longer exist, and the equivalent current standard is contained in part M4 of the Building Regulations.

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 and is supported by references in ALP policies D DM1 & D DM2.

It is not possible to determine the proposal against these policies due to layout not being for consideration and there being no clear indication of the precise exact number of dwellings. A condition has been included in the recommendation to require that the reserved matters scheme take account of these requirements.

AFFORDABLE HOUSING:

As per ANDP policy H4, developments over 10 residential units require a minimum provision of 30% affordable housing on site. The Housing Strategy & Enabling Manager raised no objection as long as the requisite amount of affordable housing is secured by a s106 legal agreement. On this basis, the proposal accords with policy AH SP2. The s106 will be written to include local housing clauses and to involve the Aldingbourne Barnham & Eastergate Community Land Trust (ABECLT).

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 states housing developments must provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement (based on 155 homes) for 12,788m² of Public Open Space (POS) including 1,876m² of play provision comprising of a mix of on-site Neighbourhood Equipped Area of Play (NEAP), Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP).

The on-site POS & play can be secured by conditions and are not dependent on the agreement of the s106 agreement. As it is not possible to secure any off-site contributions through a s106 Agreement due to CIL, contributions to other sport/recreation/fitness provision would instead need to be funded by CIL. On the basis that on-site POS and play would be secured by conditions, there would be no conflict with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community. This development would be liable for CIL, but it is not possible to calculate the amount until reserved matters stage. Infrastructure providers such as WSCC and the NHS would be able to bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also be provided with a percentage of the CIL receipts (25%) to spend. These payments go towards providing the infrastructure that the district needs to support existing and future development.

Objectors are concerned that there is insufficient infrastructure to support new housing. There can be no conflict with policy INF SP1 if the development provides a CIL contribution. It is then the responsibility of external bodies to implement the necessary infrastructure.

National Highways (NH) have not specifically requested a financial contribution to improving the A27. They state that for

windfall sites which in isolation do not have an impact on A27, they are reverting to Arun District Council to consider whether they need to collect a proportionate contribution because of the cumulative impacts of these windfall sites (which are beyond what was modelled at Local Plan stage). It is material however that a contribution was sought on the previous application (£48,980.10 towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout). Given that this application represents an extension of the previous permission, it has been determined necessary to seek a similar contribution despite NH not specifically requesting one. On the previous application, NH specified that the contribution was to be £515.58 per dwelling (index linked from 2017 prices) and so a contribution will be sought on this basis.

Paragraph 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways. It is evident that no ADC CIL money will be spent on strategic highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for strategic highways (i.e., the strategic road network as managed by NH) and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to NH where there are impacts on the strategic road network. It is clear that NH would object unless the LPA seeks to collect the contribution towards mitigation measures on the A27.

In addition, WSCC Education request a school transport contribution, and this will also be secured through the s106. Subject to the applicant entering into a s106 Agreement to secure the contributions, affordable housing and a Travel Plan (plus associated monitoring/auditing fee) then there would be no conflict with ALP policy INF SP1.

SUMMARY:

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This states 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 (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.

In respect of the part (ii) test, the report identifies that the proposal is in conflict with the council's policies in respect of: development in the countryside; and the loss of high-grade agricultural land.

The site is sustainable, and the scheme will result in significant benefits to the local and wider area such as new housing (including affordable housing), the creation/retention of construction jobs, new income to the council, spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements.

The weight to be applied to the contribution of housing development to the HLS was discussed in a recent appeal concerning a site in Pagham (APP/C3810/W/22/3302023). The appellants presented an analysis of recent appeal decisions. Whilst there were no cases directly comparable in number to this application, the evidence suggested more than 30 dwellings should be considered substantial/significant and given the worsening HLS, even smaller developments should weigh heavily in favour. The appeal was for 106 new homes and the Inspector afforded this significant weight.

It would be appropriate in this case to allocate substantial/significant weight to the contribution to the housing shortfall. In that appeal, the Inspector afforded significant weight to the delivery of affordable housing and moderate weight to the economic benefits and biodiversity net gain. The loss of the agricultural land is unfortunate, but the policy does allow for development of such land where there is a clear need. On this basis, it would be appropriate to allocate only moderate weight to the loss of this resource. Development in the countryside is against policy but such a refusal reason would not be sustainable unless there was associated harm and this report finds none. There is policy conflict with ALP policy W DM1, but this does not generate any harm.

The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

RECOMMENDATION:

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

- (a) Grant outline planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning.

Should the s106 not be completed in 3 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.

(2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

(3) In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and 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.

SECTION 106 DETAILS

This decision will be subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the Aldingbourne, Barnham, and Eastergate Community Land Trust.
- (2) A contribution of £515.58 per new dwelling (index linked from 2017 prices) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.
- (3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.
- (4) A Secondary School Transport Contribution in accordance with the published formula.

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 SUBJECT TO A SECTION 106 AGREEMENT

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

Dwg No 2150-DLA-XXX-XXX-DR-L-L28-S02 Location Plan.
 Dwg 36 Rev F Proposed Access Arrangements Sheet 1 of 3.
 Dwg 36 Rev F Proposed Access Arrangements Sheet 2 of 3; and
 Dwg 36 Rev F Proposed Access Arrangements Sheet 3 of 3.

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 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Co-op, December 2022) and Lighting and Reptile Strategy Addendum (The Ecology Co-op, January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall supervise all activities, and works shall be carried out, in accordance with the approved details.

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

5 The development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling/the building and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in on site energy use in accordance with policy ECC SP2 of the Arun Local Plan and the NPPF.

6 The landscape and layout 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) Full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost.

(3) Details of the position, design, materials, height, and type of all 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; and

(4) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). 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). It must also:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

7 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as

agreed prior to occupation of the 77th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

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

8 The landscape and layout details to be submitted pursuant to condition 1 shall include a Biodiversity Gain Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development. The net biodiversity impact of the development shall be measured in accordance with the Secretary of State's biodiversity metric as applied in the area in which the site is situated at the relevant time. The content of the Biodiversity Gain Plan should include the following:

- a) Proposals for the on-site biodiversity net gain.
- b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed; and
- c) Proposals for any off-site biodiversity net gain provision; and where appropriate,
- d) A management and monitoring plan for all offsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Gain Plan.

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

9 No development shall take place, until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the receptor area(s).
- i) Details for monitoring and remedial measures; and

j) Details for disposal of any wastes arising from works.

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

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

10 No development shall take place, until a Landscape and Ecological Management Plan (LEMP).has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year and covering a minimum of a 30-year period).
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

11 No development shall take place, until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) detailed designs or product descriptions to achieve stated objectives.
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where relevant).
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

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

12 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. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time (or any subsequent guidance). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

(2) 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.

(3) 5% of all parking provided as suitable for disabled persons. This must include a percentage of the proposed visitor parking spaces.

(4) Full details of cycle storage including elevations where such is provided in separate buildings; and

(5) 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, road safety, the needs of the disabled, 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 DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

13 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Aldingbourne Neighbourhood Development Plan Policy H2 and the Councils guidance note "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan and section 4 of the Councils guidance Note "Accommodation for Older People and People with Disabilities Guidance".

14 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. 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 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.

15 No development shall take place, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the council's environmental health officer and ecologist as appropriate). 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:

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the preferred road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

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 work 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.

Details of how measures will be put in place to address 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.

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) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

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

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

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

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 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design, and subsequent management / maintenance) and no dwelling shall be

occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 18 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building 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.

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

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

- 20 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.

- 21 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

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

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

- 23 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 otherwise the disturbance of earth could harm important deposits.

- 24 Where the development hereby approved does not commence within 12 months from the date of the decision being issued, further supplementary ecological surveys for badgers must be undertaken prior to commencement to inform the preparation and implementation of ecological measures required. The supplementary surveys shall be of an appropriate type for this species and survey methods shall follow national good practice guidelines. The surveys and mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because badgers must be protected during construction.

- 25 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 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.

- 26 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing number 36.

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

- 27 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings 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.

- 28 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

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

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 30 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.

31 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the Aldingbourne, Barnham, and Eastergate Community Land Trust.

(2) A contribution of £515.58 per new dwelling (index linked from 2017 prices) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.

(3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan; and

(4) A Secondary School Transport Contribution as according to the formula set out in the report.

32 **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 via <https://beta.southernwater.co.uk/infrastructurecharges>.

33 **INFORMATIVE:** Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department, WSFRS on the details given below:
Frs.waterandaccess@westsussex.gov.uk

34 **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.

35 **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.

36 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 12/05/23) as available on the Councils website.

37 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.

38 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).

39 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.

40 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water 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. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 41 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 42 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.
- 43 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

BACKGROUND PAPERS

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

AL/70/23/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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