

PLANNING APPLICATION REPORT

REF NO:	AL/102/23/PL
LOCATION:	Land North of Northfield Farmhouse Fontwell Avenue Eastergate
PROPOSAL:	Development of 3 dwellings with associated landscaping and infrastructure. This application is a Departure from the Development plan, is in CIL Zone 3 and CIL Liable as new dwellings, and a dual parish application with Barnham & Eastergate Parish Council.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The site benefits from outline permission for the development of 8 dwellings (reference BN/147/21/OUT - followed by submission of reserved matters for 7 houses). This detailed application forms part of the site covered by the outline permission - to the SW of the houses granted by the extant permissions, and proposes the development of 3 additional dwellings with associated access, parking, landscaping, and infrastructure.
SITE AREA	Approximately 0.12ha.
RESIDENTIAL DEVELOPMENT DENSITY	25 dwellings per hectare.
TOPOGRAPHY	Predominately flat.
SITE CHARACTERISTICS	The site comprises land associated with 1 Northfields Farm Cottages, including areas of grass, stables, and other barns/outbuildings. Fontwell Avenue runs parallel to the eastern boundary of the site, with housing, nurseries, and a service yard beyond. A private road to Northfield Farmhouse is to the south of the site. A line of mature trees is located at the western boundary of the site.
CHARACTER OF LOCALITY	Access to the site is gained via Northfield Farmhouse's driveway which is a private road serving 4 dwellings. Rural in character with agricultural fields currently located to the west and north of the site, however, these parcels of land benefit from planning permission for residential development (ref. BN/50/20/PL and AL/113/21/OUT). When built out there will be a combined total of 111 dwellings to the north and north west of the site, altering the character of the immediate area. To the immediate east are nos. 1 & 2 Northfield Cottages.

Beyond these on the opposite side of Fontwell Avenue there is a mix of open land and dwellings.

RELEVANT SITE HISTORY

BN/147/21/OUT	Outline application with all matters reserved (except access) for the erection of up to 8 No. dwellings. This application also lies within the parish of Aldingbourne. This application is a Departure from the Development Plan.	ApproveConditionally 03-03-22
BN/176/22/RES	Approval of reserved matters following outline consent BN/147/21/OUT for 7 No dwellings with associated landscaping and infrastructure. This application also lies within the parish of Aldingbourne and is in CIL Zone 3 and is CIL Liable as new dwellings.	ApproveConditionally 13-03-23
BN/50/20/PL	Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.	App Cond with S106 11-12-20
AL/113/21/OUT	Outline application with all matters reserved, apart from access, for up to 69 No dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.	App Cond with S106 25-05-22

It is noted that the site is bounded by extant permissions as follows:

Permission was granted under reference BN/147/21/OUT for 8 No. dwellings on land directly to the north-east of this application site.

A subsequent reserved matters application was approved under reference BN/176/22/RES for the development of 7 dwellings, under the above outline.

Permission was granted for 42 dwellings on land to the north of this application site under reference BN/50/20/PL. With permission also granted for a further 69 dwellings on land to the north-west of the application site under reference AL/113/21/OUT.

On this basis, when the surrounding permissions are fully built out, there will be 118 dwellings to the north, north-west and north-east of the application site, altering the immediate character of the area.

REPRESENTATIONS

Aldingbourne Parish Council objects to this application 'as it is a departure from the development plan, it is outside the Built Up Area Boundary (EH1) of the Aldingbourne Neighbourhood Plan and is deemed to be an overdevelopment of the site based on existing housing density (H3).'

COMMENTS ON REPRESENTATIONS RECEIVED:

These matters are considered in the conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Council Drainage Engineer - No objection to this application. The applicants FRA and Drainage Strategy and drainage layout do not meet our design requirements, therefore standard condition PCENGD2 should be imposed.

West Sussex Fire and Rescue Service - recommend imposition of a condition.

Ecology Consultee - No objection subject to imposition of conditions.

Southern Water - No objection.

West Sussex County Council Highways - No objection subject to the imposition of conditions.

Archaeology Consultee - No objection subject to the imposition of a condition.

Environmental Health - No objection subject to the imposition of conditions.

South Downs National park Authority - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built Up Area Boundary (BUAB);
- WSSC Mineral Consultation Area (Sharp Sand & Gravel);
- WSSC Waste Consultation Zone;
- Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
- Current & Future Flood Zone 1;
- Lidsey Treatment Area;
- Water Source Protection Zone; and
- CIL Zone 3.

DEVELOPMENT PLAN POLICIES

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

- CSP1 C SP1 Countryside
- AHSP2 AH SP2 Affordable Housing

DDM2	D DM2 Internal space standards
ECCDM1	ECC DM1 Renewable Energy
WDM2	W DM2 Flood Risk
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH6](#) Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy EH7 Renewable and low carbon energy

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

Aldingbourne Neighbourhood Plan 2019-31 Policy GA2 Footpath and cycle path network

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy H6 Windfall Sites

Aldingbourne Neighbourhood Plan 2019-31 Policy H8 Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy EH7 Renewable and low carbon energy

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy Windfall Sites

H6	
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H1	Specific site allocation
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

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

The relevant policies of the Barnham & Eastergate Neighbourhood Development Plan (BENDP) are considered in this report.

This site also lies in Aldingbourne and the revised Aldingbourne Neighbourhood Development Plan (ANDP) (made on 14/07/21) is referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

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.

Despite its countryside location, the site is sustainably located. It adjoins an approved development for 7 dwellings which was approved under references BN/147/21/OUT and BN/176/22/RES. This neighbouring development was deemed acceptable as it was roughly equidistant between the edges of two nearby BUABs, and it sits within a cluster of new development as detailed above.

The application site is within walking or cycling distance from a number of local amenities and facilities including a post office, medical centre, nursery, secondary school, Eastergate Parish Hall, Fontwell Park, and Eastergate sports field.

Due to the HLS being below 3 years, on the basis of Paragraph 14 of the NPPF, the presumption in favour of sustainable development as per Paragraph 11 is unaffected by the Neighbourhood Plans and

development that conflicts with them will not significantly and demonstrably outweigh the benefits.

At the end of this report, it will be considered in the balancing exercise whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

VISUAL AND LANDSCAPE IMPACT

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

BENDP Policy ES5 (Quality of design), ES6 (contribution to local character), H4 (Integration of new housing into surroundings), H5 (outdoor space) and H6 (Attention to detail) are relevant and set out requirements for high quality design, and development of an appropriate density that reflects the design and character of surroundings.

ANDP policy H3 states that density should be appropriate to location. Policy H8 says that development should provide outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area. Policy H9 details items that must be considered early in the design process and integrated into an overall scheme.

The Arun Design Guide (ADG) was adopted as a formal supplementary planning document in January 2021. Sections G, H & J are relevant.

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

The density of the proposed site is 25 dph. Although a little higher than the policy guide, this density reflects the two nearby sites which are 22.7 (BN/50/20/PL) and up to 27.3 (AL/113/21/OUT) dwelling per hectare. The density is therefore appropriate to its location and in the context of the surrounding residential development.

The layout comprises a single detached dwelling and a pair of semi-detached units. The dwellings face north towards the site entrance, with the allocated car parking spaces located to the side of the dwellings. One visitor car parking space, which is surrounded by soft landscaping, is located to the north of Plot 1. The layout is acceptable and would face development towards other permitted plots to the North, with the gardens and softer landscaped boundaries set towards the edge of the site, providing a 'green buffer' around the housing. The road is a continuation of the adjacent permitted scheme and provides sufficient access and turning space while not dominating the site.

A larger area of soft landscaping is provided at the north-east corner of the site and soft landscaping including a new hedge is shown parallel to the eastern boundary of the site. This would provide separation between the car parking on plot 3 and the existing site to the east.

Appropriate to its context, the site includes expansive green space with appropriately sized rear and front gardens, and soft landscaping along the site boundaries. A new native hedgerow is shown along the

eastern boundary of the site to provide a soft landscaped edge to the site. This would provide screening between the site and the existing dwelling to the east. Three new trees are also provided along the eastern boundary, as well as a new tree to the north of the site, to the west of the site entrance.

An area of soft landscaping including a flowering lawn, native mixed hedgerow and a new tree, has been incorporated at the northeast corner of the site. A soft landscaped area is also provided at the west of the site to provide a softened approach to Plot 1. A dedicated area of soft landscaping, including a footpath, has also been provided to the front of Plots 2 and 3.

The car parking spaces are located adjacent to the dwellings to reduce the areas of hardstanding directly outside the front doors.

The layout of the scheme broadly reflects the emerging residential character and scale of the area and would cause no harm to this. In this regard, the proposal would be in accordance with Policies D DM1 and QE SP1 Quality of the Environment and the Design Guide SPD.

The proposed dwellings are simple in design with a basic and not displeasing aesthetic. Materials are kept to a minimum including red brick walls, and grey and red roof tiles. This would accord with the surrounding permitted development and not appear overly dominant within the landscape.

The development proposal is considered to be in accordance with the Arun Design Guide, Local Plan Policies D DM1 and QE SP1, and Neighbourhood Plan 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.

In terms of garden depths, Plot 1 features the shortest rear depth of just 5.6m but does benefit from significant garden provision to the west of the plot which would measure approximately 13m in width. The rear garden for plot 2 measures between 9.6m and 10.5m in depth. Whilst this falls below the minimum depth of 10.5m identified in the Arun Design Guide given the lack of development to the rear and the width of the garden at 8.3m it is considered sufficient to avoid any unacceptably adverse impacts upon residential amenity of future occupiers. Therefore, the proposed gardens are sufficient to provide adequate outdoor amenity space to meet the needs of future residents.

The proposed dwellings would have a gross internal floor area of approximately 106m² which exceeds the minimum standards set out within the Nationally Described Space Standards. Therefore, the proposed dwellings are of an appropriate size to meet the needs of future occupiers.

The proposed dwellings do not sit in close enough proximity to any existing (or consented dwellings) such that there would be any loss of privacy, light or give rise to any overbearing impact. Owing to the siting and orientation of the dwellings, there would be no significantly detrimental impact on neighbouring amenity and therefore no conflict with ALP policies D DM1 or QE SP1.

TREES

An Arboricultural Impact Assessment and Method Statement has been submitted in support of the application.

The assessment notes that the existing site contains a small area of amenity grassland and several stable buildings, with the south and west of the site lined with mixed native treelines containing species such as oak, ash, field maple and sycamore, and the eastern boundary lined with a hedge.

There are no TPO trees or ancient woodland on the site, and therefore the development proposal is in compliance with ALP Policy ENV DM4. In addition, no tree removal is required for the proposals with a very small section of ornamental beech hedgerow being removed. The hedge does not provide significant connectivity or visual amenity and its loss will be compensated for through the planting of new trees and native shrubs proposed through the landscape scheme.

The buildings have been sited to avoid RPAs and allow trees room to grow further. The existing vegetation of note is largely to the boundaries, tree RPAs and canopies will be protected through the use of tree protective barriers and this will be secured by condition.

The proposal is in accordance with Local Plan Policy ENV DM4, BENDP policy ES10 and ANDP Policy EH6 as the development will not result in the loss of trees or hedgerows with amenity or historic value, and the minor loss of hedgerow will be mitigated through the landscape proposal.

HIGHWAYS IMPACT AND PARKING

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. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

BENDP policy GA4 states that development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes. Policy GA3 states that proposals must provide adequate parking in accordance with the standards adopted at the time.

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

A Transport Note accompanies the submission, which demonstrates that the proposed development will not have a significant impact on the operation, safety or capacity of the local highway network.

The assessment of trip rates for the site concludes that the development of 3 units will result in 1 additional trip in both the AM and PM peaks, with 14 trips generated over a 12-hour period. This is modest and can be absorbed onto the local highway network due to the strategic nature of surrounding highways.

The site is shown as being accessed through an extension to the internal road provided as part of the consented 42-unit scheme to the north.

The proposal shows that the main access into the site, from Fontwell Avenue, would be maintained via the consented ghost island right turn lane junction. The access design is a 6m wide bell mouth arrangement with radii of 9m. The carriageway on Fontwell Avenue will be widened to allow for the creation of a 3m wide right turn lane.

The internal roads in the development site are shown as a shared surface/private drive arrangement, which would connect onto the footway associated with the consented 7- unit scheme to the north.

Pedestrians would also benefit from existing footways and pedestrian crossing points within the consented 42-unit scheme to the north which provide access onto Fontwell Avenue. Pedestrians from the proposed development would also benefit from the formal pedestrian crossing point (dropped kerbs, tactile paving, and pedestrian refuge island) being delivered as part of the consented 42-unit scheme's access works. This ensures that users of the proposed development have safe access onto Fontwell Avenue and the wider pedestrian network.

In accordance with the Council's Parking Standards SPD, each dwelling includes 2 allocated car parking spaces, with the provision of 1 additional visitor space, resulting in a total of 7 car parking spaces on the application site. Each dwelling will also have the capacity for 1 electric vehicle charging point which can be secured by condition. In line with BENDP GA4, all the spaces are provided as off-street parking. The application advises that in accordance with the SPD requirements, 2 cycle spaces per dwelling will be provided in the rear of each garden.

Therefore, the proposal accords with relevant development plan policies and NPPF guidance in terms of parking provision and highways impact.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. Policy M9 (b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

WSCC Minerals & Waste have advised that mineral sterilisation will inevitably occur at the site as a result of the development, but they broadly agree with the findings within the Mineral Resource Assessment that has been submitted with the application given that prior extraction at the site would not be practical or economically feasible. They have therefore raised no objection to the proposal and encourage the applicant to consider the use of locally extracted mineral within the proposed development where it makes sense to do so.

It is material that there is a need for new housing to counter the Council's current HLS deficit. However, there is no conflict with policy M9 of the West Sussex Joint Minerals Local Plan.

WASTE SAFEGUARDING

The site is within 300m of a safeguarded scrap vehicle waste site defined by the West Sussex Waste Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The site is in use as a car salvage centre. The application site is a significant distance away and there are other uses in between. WSCC Minerals and Waste advise no impact on the waste site and therefore raise no objections. As such there would be no conflict with this policy W2 of the West Sussex Waste Local Plan.

BIODIVERSITY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

BENDP policy ES15 seeks to protect biodiversity corridors from new development. It lists the length of Fontwell Avenue as such a corridor and requires assessment for sites adjacent to this. It states

proposals should result in a 10% biodiversity net gain (BNG). Policy ES17 requires assessment of proposals on foraging habitat and commuting flight lines qualifying bat species in the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC).

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

Ecological Assessment work which accompanies the submission concludes that the site is formed of common, widespread habitats of low ecological value. Floral diversity in general was very low, with the bulk of the site dominated by heavily grazed improved grassland. No protected species were recorded utilising the site, however the mature vegetation to the western boundary is likely to be utilised by common light-tolerant bat species.

The buildings currently on the site contain a number of bird nests, and a barn owl nest box was noted to one building, although no evidence was noted at ground level to suggest this is in use. The submission advises that all nests will be removed outside of the bird nesting season or following a check to ensure the nests are not in use. The barn owl box will be removed following an inspection and walkover of the entire site outside of the nesting season, to ensure it is not in use. The box will then be relocated to a nearby suitable tree.

A range of ecological enhancements are also suggested in the submission. The Council's Ecologist has assessed the submitted information and concluded that subject to the imposition of conditions, there is no objection to the proposal on ecological grounds.

In terms of BNG, a statement has been submitted which concludes that the proposal would result in a loss of 0.02 habitat units of modified grassland (a 'Low' distinctiveness habitat). To achieve a 10% gain and to satisfy the trading rules, it is calculated that 0.07 habitat units of grassland habitat will be required. BNG credits can be purchased to provide compensation for the loss calculated on site. The applicant has committed to secure a financial contribution for BNG credits through the Environment Bank or UK Gov. These will go toward achieving off-site net gain and the requirement can be secured via condition along with other biodiversity enhancement requirements.

Given the sites proximity to the SAC it has been necessary to undertake an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Conditions have been incorporated as part of this recommendation which the Council view to be acceptable to overcome any unacceptable impacts upon the conservation objectives of the SAC. However, the AA assesses the suitability of the avoidance and mitigation measures and has been the subject of consultation with Natural England. Consultation has been undertaken with Natural England on the AA and no objection has been raised to the conclusions of the assessment. Therefore, the proposal would accord with policy ES17 of the Barnham and Eastergate Neighbourhood Development Plan (BENDP).

Through the provision of appropriate mitigation, compensation and enhancements, there will be no significant effects upon any habitats or protected species within or adjacent to the site. Subject to conditions and the conclusion of the AA process, the development would accord with Arun Local Plan policies ENV SP1 and ENV DM1, BENDP and ANDP policies and paragraph 174 of the NPPF.

FLOODING & SURFACE WATER DRAINAGE

The site is not affected by any current or future flooding from rivers/sea and is in Flood Zone 1. ALP

policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. BENDP policy ES1 states that drainage can be left to a condition as long as it is demonstrated that there will be no net increase in surface water run-off from the application site as a result of the development. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

The Council Drainage Engineers raises no objection, but comments that the applicant has supplied a flood risk assessment and drainage strategy, plus a drainage layout which do not meet ADC design requirements. These cannot therefore be included as approved documents, and such details need to be secured through conditioned.

On this basis, subject to the imposition of conditions, there is no conflict with the relevant development plan policies.

FOUL DRAINAGE

ALP policy W DM1 states that all developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Sites in the Lidsey Catchment Area must be accompanied by a Drainage Impact Assessment.

The submission advises that it is proposed to drain the site to an existing Southern Water foul sewer and the development is expected to generate approximately 2,250 litres per day of wastewater equating to an average run-off rate of 0.026 l/s. This is not significant given the size of the catchment and Southern Water raise no objections. Therefore, the development does not conflict with policy W DM1.

CLIMATE CHANGE

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

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

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

CIL / AFFORDABLE HOUSING

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. This development would be liable for CIL and as such would accord with the requirements of INF SP1.

Policy AH SP2 requires developments of 11 units or more to provide 30% on-site affordable housing. The development proposal is for three dwellings; therefore, the scheme is not required to provide onsite affordable housing. When combined with the site to the north, which is for the development of 7 dwellings, the total number of dwellings would be 10, which is also below the threshold to provide on-site affordable housing.

SUMMARY

The principle of development on this countryside site is in conflict with the ALP and the Neighbourhood plans. Owing to the lack of 5 year housing land supply, the application falls to be determined by the Paragraph 11 NPPF presumption in favour of sustainable development.

As identified in this report, the proposal represents sustainable development and is acceptable with regard to visual, amenity, highways and all other impacts. Additionally, it will make a small contribution to the housing land supply shortfall along with other economic benefits. The adverse impacts of its location outside of a built up area does not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The proposal is therefore recommended for approval subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is liable for CIL.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

3 Units Drg 22079-PA-001
3 Units. Drg 22079-PL-2-01 Rev A
Building Heights Dwg No 22079-PL-2-58 Rev A
Parking and Bins Dwg No 22079-PL-2-57 Rev A
Boundary Materials Dwg No 22079-PL-2-56 Rev A
Building Materials Dwg No 22079-PL-2-55 Rev A
Bedrooms Dwg No 22079-PL-2-54 Rev A
Proposed Site Layout Dwg No 22079-PL-2-52 Rev A
Combined Hard and Soft Landscape Plan Dwg No DD594L02 Rev C
Tree Constraints Plan Dwg No LLD2494-ARB-DWG-001 Rev 01
Location Plan Dwg No 22079-PL-2-51
3BC+-3Bed Semi Detached Floor Plans and Elevations Dwg No 22079-PL-HT-3BC+SD
3BC+ 3Bed Detached Floor Plans and Elevations Dwg No 22079-PL-HT-3BC+D
Indicative Streetscene Dwg No 22079-PL-5-51
Bike Store Photo and Specification
Materials Specification
Landscape Management Plan Ref DD594R02
Existing Tree Schedule Ref LLD2494-ARB-SCH-001 Rev 01
Arboricultural Impact Assessment and Method Statement Rev 00
Transport Note Ref 108.0016/TN/1
Assessment of Road Traffic Noise Ref P21-273-R04v2
Ecological Impact Assessment
Ecology, Tree Protection Fencing, Site Preparation & Clearance and Habitat Management & Enhancement
Addendum to Preliminary Ecological Appraisal Survey

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

- 3 All works shall be carried out in accordance with measures detailed in the Arboricultural Impact Assessment and Method Statement November 2022.

Reasons: To ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground in accordance with ENV DM4 of the Arun Local Plan.

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan policy HER DM6. This is required to be a pre-commencement condition because it is necessary to undertake archaeological investigation prior to commencing any building works.

- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard, November 2021) and Addendum to Preliminary Ecological Appraisal Survey (Lizard, November 2022). 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 undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and in accordance with Local Plan policy ENV SP1.

- 6 Prior to commencement of development, a Barn Owl Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Barn Owls during the construction phase.

All works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Local Plan policy ENV SP1. This is required to be a pre-commencement condition because it is necessary to ensure the development would not adversely impact Barn Owls prior to commencing any building works.

- 7 Prior to commencement of works above damp proof level, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate a Biodiversity net gain of 10%.

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).

Where a shortfall of 10% Biodiversity Net Gain is subsequently demonstrated and cannot be attained through the above methods, confirmation of the purchase of Biodiversity Net Gain (BNG) credits through the Environment Bank or UK Gov to provide compensation for the loss.

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

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the Natural Environment and

Rural Communities Act 2006 (Priority habitats & species) and in accordance with Local Plan policy ENV SP1 and Barnham and Eastergate Neighbourhood Plan policy ES15. This is required to be a pre-commencement condition because it is necessary to establish how the Biodiversity Net Gain requirements will be achieved prior to commencing any building works.

- 8 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 guidance provided by 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 / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 9 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved parking plan 22079-PL-2-57 Rev A. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 10 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in the rear garden of the dwellings.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 11 The development shall only be carried out in accordance with the materials details in the submitted and approved materials schedule, unless otherwise approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity, heritage and local character in accordance with policies D DM1 of the Arun Local Plan.

- 12 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.

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

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

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

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

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

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031. This is required to be a pre-commencement condition because it is necessary to ensure that appropriate measures for managing contamination are established prior to commencing any building works.

- 15 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 protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031.

- 16 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. 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 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF. This is required to be a pre-commencement condition because it is necessary to establish the required infrastructure prior to commencing any building works.

- 17 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

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

- 18 No external lighting shall be installed on site until a "lighting design strategy for biodiversity" to ensure no light spill upon boundary features such as hedgerows and trees has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) 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

b) 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: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Local Plan policy ENV SP1.

- 19 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 20 Prior to the commencement of development, the following details shall be submitted to and approved by the Local Planning Authority:

1.The proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the fire hydrant shall be installed as per the approved details and connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant 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: As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. This is required to be a pre-commencement condition because it is necessary to implement infrastructure to support these measures alongside any building works.

- 21 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policies ECC SP1 and W DM1 of the Arun Local Plan.

- 22 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.

- 23 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 our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 24 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The 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-riskassessments-climate-change-allowances> on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year 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 extent 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'.

- 25 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

- 26 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 27 INFORMATIVE: A formal application for connection to the public sewerage system is required

in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

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/102/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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