

Report following a request for further information, negotiations or consultation

REF NO: WA/67/23/PL

LOCATION: Land at West Walberton Lane
Walberton
Arundel

PROPOSAL: Construction of 25 No dwellings together with associated access from Eastergate Lane, parking, public open space and landscaping (resubmission following WA/32/21/PL). This application may affect the setting of listed buildings, may affect the character and appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

The application was deferred at Planning Committee on 14 December 2023, to await a formal consultation response from Southern Water.

ADDITIONAL CONSULTATION RESPONSE:

Southern Water - No objection subject to condition.

MATERIAL CHANGES TO NATIONAL PLANNING POLICY (NPPF)

The National Planning Policy Framework (NPPF) was revised by Government on 20 December 2023. The revised NPPF encompasses a number of policy changes but material to this application re changes to paragraph 14. Furthermore while the Council does not have a 5 year HLS, it is of some relevance that the Council has recently published the Annual Monitoring Report (AMR), and based on the Standard Housing Method, the supply is now calculated at 4.17 years, as opposed to the previously quoted figure of 2.36 years.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits if two specific criteria apply. In this instance the WNDP meets criterion a, as the WNDP became part of the development plan less than 5 years ago. criterion b requires that the neighbourhood plan (in this case WNDP) contains policies and allocations to meet its identified housing requirement.

The Examiner's Report for the WNDP was published less than 3 years ago, and, in the absence of a more up to date indicative housing requirement for Walberton, it is entirely reasonable to accept the Inspector's figures of: an indicative housing requirement figure of at least 748 units; and a net additional contribution of 51 units from non-strategic allocations.

The authority has updated this calculation and, in fact, the additional WNDP allocations equate to a net increase of 56 dwellings. This means that the total of all completions, commitments, NDP allocations, strategic sites and other sites is $697 + 56 = 753$ dwellings, against an indicative housing requirement of 748.

As such, while paragraph 11d does apply, and the 'tilted balance' is engaged, given that the WNDP meets both criteria of Paragraph 14 it is considered that paragraph 14 also applies and that the adverse

impacts of allowing development the conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

REVISED PLANNING BALANCE

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 4.17-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.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits if two specific criteria apply. As set out in the above section of this report both criteria a and b are considered to be met.

As such, while paragraph 11d does apply, and the 'tilted balance' is engaged, given that the WNDP meets both criteria of Paragraph 14 it is considered that paragraph 14 also applies and that the adverse impacts of allowing development the conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. In respect of the paragraph 11 d part (ii) test, the report identifies that the proposal is in conflict with the council's policies in relation to development in the countryside and impacts on the character and appearance of the area.

The site is sustainable, and the scheme will result in benefits to the local and wider area such as new housing (including affordable housing), the creation/retention of construction jobs, 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 the appeal for the previous application (APP/C3810/W/22/3291254), where the inspector gave this matter significant weight. In this case it would be appropriate to, similarly, allocate significant weight to the contribution to the housing shortfall. In that appeal, the Inspector afforded significant weight to the delivery of affordable housing and limited weight to the economic benefits of the scheme, limited weight to the environmental benefits of the scheme such as biodiversity enhancements, and neutral weight to the social benefits of the scheme. These weightings remain relevant to this application.

In the appeal, the Inspector gave moderate weight to the conflicts with policies with regard to location of development and limited weight to the impacts on the character and appearance of the area. Once again, it is appropriate to apply the same weighting here.

The wording of Paragraph 14 suggests that there would only be very limited circumstances which would result in the adverse impacts of conflict with the neighbourhood plan being outweighed.

Weighing all matters together, taking into consideration the tilted balance as required by paragraph 11d, the provisions of paragraph 14, and the conflict with the Walberton Neighbourhood Development Plan, the adverse impact of allowing development that conflicts with the neighbourhood plan is now considered to significantly and demonstrably outweigh the benefits and should be refused.

AMENDED RECOMMENDATION

It is recommended that the application be REFUSED for the following reasons (and informative):

1. By virtue of its location outside a defined built up area boundary the development is contrary to policy HP1 of the Walberton Neighbourhood Development Plan, the National Planning Policy Framework and Policies C SP1, SD SP1, SD SP1a and SD SP2 of the Arun Local Plan.
2. In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards affordable housing or, education or affordable housing in conflict with policies AH SP2, ENV DM2, INF SP1, INF SP2, OSR DM1 of the Arun Local Plan and the National Planning Policy Framework.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

REPORT UPDATE

Application No: WA/67/23/PL

Reason for the Update / Changes

Reason for Update/Changes:

Correction to text within report and additional recommended condition relating to matters of foul drainage.

Correction:

Under the report heading 'Human Rights' it states "...The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report."

The recommendation is to grant planning permission and this section, therefore, should read: "...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."

Additional Condition:

It has been noted that Southern Water were not specifically consulted in respect of this application. A consultation with them has now been made and any comments received in time for the Committee will be reported verbally. It is of relevance that Southern Water (SW) were consulted in relation to, and commented on, an earlier application for 30 dwellings on the same site under LPA reference WA/32/21/PL and, at that time SW identified that there may be local capacity issues that would require reinforcement of the sewerage network.

In anticipation of the situation being similar in respect of the current application, albeit for a fewer number of dwellings, the following additional Grampian-style condition is recommended to be attached to any approval.

"24. Development shall not commence, other than the enabling works (specified below), until full details of the proposed foul drainage system for the development have been submitted to and approved in writing by the Local Planning Authority. This shall include details of siting, design and subsequent management/maintenance. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The 'Enabling Works' referred to above encompass the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) tree protection measures.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the site.
- (e) the provision of any temporary site point of access for construction traffic.

- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary building services supply (electricity, water, data, etc).

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."

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

PLANNING APPLICATION REPORT

REF NO: WA/67/23/PL

LOCATION: Land at West Walberton Lane
Walberton
Arundel
BN18 0QF

PROPOSAL: Construction of 25 No dwellings together with associated access from Eastergate Lane, parking, public open space and landscaping (resubmission following WA/32/21/PL). This application may affect the setting of listed buildings, may affect the character and appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for residential development comprising 25 no. dwellings together with access from Eastergate Lane, parking, open space and landscaping. 30% affordable housing is proposed.
SITE AREA	1.5 ha (hectares)
RESIDENTIAL DEVELOPMENT DENSITY (NET)	27 dph (dwellings per hectare)
TREES	There are a number of trees along the site boundaries, particularly to the east, that are protected by the Conservation Area and Tree Preservation Orders (TPOs).
BOUNDARY TREATMENT	The western boundary of the site is defined by mature hedgerow and trees, beyond which are open paddocks divided into fields. There are a number of trees along the site boundaries, particularly to the east, that are protected by the Conservation Area and Tree Preservation Orders (TPOs).
SITE CHARACTERISTICS	The site is on the western edge of Walberton village. The site, which is irregular in shape, comprises land between West Walberton Lane to the north and Eastergate Road to the south.

The site is bounded by residential development to the north and south, with Walberton Green to the east where the northern parcel comprises of an open lawned area whilst the southern parcel is a pond surrounded by mature trees. The Green forms an important part of the Conservation Area in this location framed by residential development. The site's western boundary is defined by mature hedgerow and trees, beyond which are open fields split into paddocks. The site is pasture with enclosure due to trees and hedgerow boundaries.

The site edged in red lies in flood Zone 1, the adjoining land to the south west, edged in blue, is in flood zones 2 and 3.

The site adjoins Walberton Green and is less than 500m to the centre of the village to the east. The site benefits from links with local footpaths and bridleways, as well as a local cycle route that runs along West Walberton Lane, around Walberton Green and along Eastergate Lane, before connecting with the dedicated cycle route from Eastergate Lane, opposite the southern boundary of the site.

CHARACTER OF LOCALITY

The site is adjacent to the built up area boundary of Walberton in an open countryside setting, visually separate from the village with far ranging views across open countryside.

Walberton Green is to the east of the site where the closest parcel comprises a large area of open lawn, whilst the neighbouring parcel contains a pond which is surrounded with mature trees. The Green forms an important part of the Conservation Area and creates a semi rural character.

RELEVANT SITE HISTORY

WA/32/21/PL Construction of 30 No. dwellings together with associated Refused access, parking, public open space & landscaping. This 26-07-21 site may affect the setting of listed buildings, affects the character & appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwellings.

**Appeal: Dismissed
25-08-22**

REPRESENTATIONS

Walberton Parish Council objects to the proposal with their concerns summarised as points below:

- The site is not part of the 2020 Walberton Neighbourhood Development Plan.
- The site was submitted when a call for sites was made but was rejected by residents in 2016.
- The parish has exceeded its required allocation of 60 dwellings in its Plan.
- The site affects the setting of the conservation area.

- The site was listed in the HELAA as Not Developable.
- The development is on a green field outside the Walberton built up area boundary.
- The site does not provide sufficient Biodiversity Net Gain.
- Construction activity, lighting and general usage of the site will adversely impact the bat population.
- The site impacts a key Biodiversity corridor.
- The northwestern part of the site is within the SDNPA HRA buffer.
- Some parts of the site are in flood zones 2 and 3.
- The ADC SFRA map shows medium risk of ground water flooding.
- The scheme does not aim to reduce the overall level of flood risk.
- The development has watercourses passing through it.
- Runoff water from the site may pollute the pond.
- Results in a cumulative increased burden on the sewerage system.
- Should development be consented we would expect a S106 contribution to fund the dredging of the pond to provide increased capacity and to reduce the risk of flooding.
- There has been two collisions since 2021 at the junction of Eastergate Lane and Fontwell Avenue.
- Traffic counts made in September 2020 were lower than normal due to Covid 19 pandemic. This data is considerably out of date.
- Trip generation calculation for 25 dwellings seems a little low. Given the 2011 census shows that Walberton parish has almost double the average car ownership.
- This development increases the amount of traffic that will use the Fontwell roundabouts.
- There is minimal public transport in the immediate locality.
- Eastergate Lane has a 40 mph speed limit at the proposed access point with limited visibility both west and east. The Transport Assessment acknowledges that there is a risk of accidents at the access point because of this.
- West Sussex is short of school places with many schools being oversubscribed and overcrowded.
- There are already pressures on local healthcare facilities. Increasing these further with a development of this scale is not sustainable. Should consent be granted we would expect a S106 contribution to be requested from the developer to fund the extra ongoing staffing and facilities required.

73 letters of objection. Multiple objections submitted under one address count as one comment. The main points of concern raised include:

- Outside of the built up area boundary.
- This development is on a green field site.
- Earlier proposal for development has been rejected by Arun DC and on appeal. It was a site rejected to by residents in 2016 and thus does not appear in the Walberton NP.
- The site is not part of the Walberton Neighbourhood Plan.
- It is not in accordance with any of the countryside policies of the various Local Plans.
- These houses are not needed.
- This NP process is of little value if developers and planners override these plans.
- The 6 local villages in this area have seen a significant increase in new housing and Walberton already has under active construction more than 575 dwellings relative to the existing number of 875 dwellings.
- The parish has already exceeded the 60 dwellings required.
- The proposed site is in an area extremely liable to flooding.
- There is a danger of flooding in the area around the pond and this will cause further issues.
- Planning Inspectorate refused to permit development due to flooding concerns. These concerns have not in any way been alleviated.
- The sewage system is unable to cope with the current load much less any greater load.
- The ground water monitoring has been completed incorrectly and the risk not correctly identified.
- The EA have reaffirmed their objection given the risk of flooding in the area.
- Flooding is an increasing problem in the area, although it is unlikely to affect the houses built along the top of this site it will almost certainly increase the risk of flooding for housing on Eastergate Lane which

has flooded several times in recent years.

- Since the original application, the flooding situation has deteriorated.
- It is a shame that the applicants civil engineer chose not to consult with residents adjacent to the site over their experiences of flooding.
- Actually flooding indicates a one in eight year risk of flooding at the site.
- Lack of improvements to infrastructure to support development, i.e. school places, drainage, doctor surgery capacity, etc.
- This development increases the amount of traffic that will use the Fontwell roundabouts.
- West Sussex is already short of school places. A development of this scale will put more pressure on already overloaded services.
- Infrastructure cannot support any more new builds.
- West Walberton Lane is severely threatened by the National Highways A27 proposal and this application is therefore premature.
- The site suffers from very poor mobile phone connectivity. If this application is approved, the developers should be required to install a 5G mast to provide connectivity.
- Detract from the Conservation Area.
- Affects calm of village pond and green.
- Paragraph 5.47 of the Built Heritage Statement states that the trees and hedgerows on West Walberton Lane obstruct views into the site. This is highly misleading.
- The height of the houses will give intrusive views into the homes/gardens of buildings opposite.
- The proposed designs have few discernible design features. Their boxy appearance and garish red brick will clash with the houses opposite them in West Walberton Lane.
- The site is frequented by bats.
- The site impacts a key biodiversity corridor.
- Wild birds from the pond, mostly Mallard often nest in that field, requiring local residents to put up notices 'baby ducks crossing' or similar. That would certainly be lost with development.
- Having homes built with a junction so close to the cycle path entrance is not safe on an already unsafe road.
- Roads in the area have no footpaths.
- The calculation for increase in traffic is grossly underestimated.
- The small lanes in the area cannot cope with the additional traffic that this will bring.
- The development accessing Eastergate Lane would attract more traffic using local lanes and West Walberton Lane so there is a need to make sure these will be safe for all users.
- Object to the position of the development entrance. There is a notorious blind bend to the east and this stretch of road is a 40 mph zone.
- The site plan is misleading excluding the blue line area which floods. Surely the site refers to the whole application.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council and third party comments are noted and will be addressed in the Conclusions section, where they relate to material planning matters.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ARCHAEOLOGY: - Although there appear to be no archaeological sites in the vicinity an area such as this on the coastal plain adjacent to an ancient water course should be expected to contain deposits of interest associated with early settlement that might be destroyed by the development. It would be appropriate to require that the archaeological potential of the site be evaluated by trial trenching ahead of

development in order to ensure that the significance of anything of interest identified might be properly conserved. This process should be secured by condition.

ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL: - It is considered difficult to see, despite the arguments in the planning statement how a reduction in the number of units by five can overcome the Inspector's view relating to the last application that residential development on the site would cause limited harm to the setting of the Walberton Green Conservation Area, through suburbanising its low density character. He considered that whilst the harm would be less than significant the public benefits accruing from the scheme would not outweigh that harm.

The panels view is that there is not only a suburbanising effect on the setting of the conservation area but also the rural character of the roads entering it from the west adding to the detrimental effect.

Should the Council be minded to grant permission given the sensitivity of the site it is essential that high quality materials, finishes and detailing are required for the new buildings, the design of some perhaps needing improvement. The plain tiles mentioned need to be clay and not concrete, any slates need to be natural. The panel consider that PVCU fenestration is not appropriate. Painted timber or second best, powder coated aluminium windows with traditional opening mechanisms should be required.

CONSERVATION OFFICER: - In assessing the previous scheme, the Inspector concluded "that the development would cause some limited harm to the setting of the Walberton Green Conservation Area through suburbanising its low density character, but that harm would be less than significant.

It is noted that in paragraph 5.69 of the heritage statement that "in light of the Inspector's decision and the revised scheme, the development proposals would cause only very minor, less than substantial harm to the significance of the Walberton Green conservation Area through change to its setting. This would equate to harm at the lowermost end of the broad less than substantial harm spectrum".

The impact of the development would result in some harm to the setting of the designated heritage asset, and harm its significance. This can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF. You will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended).

ADC DRAINAGE - No objection subject to conditions requiring submission and approval of detailed drainage strategy, discharge into the watercourse, maintenance and management of the surface water drainage system and submission for a completion report for surface water drainage.

ENVIRONMENT AGENCY: - No objection subject to condition to ensure no development in the floodplain.

ENVIRONMENTAL HEALTH: - Having reviewed the revised 'Combined Desk Study and Interpretative Site Investigation Report with Remedial Strategy Proposals' report, produced by Forge Environmental Management Limited (Ref: WAL168.D/DSS/001 Rev. 3) dated 18 September 2023, I am satisfied that our previous comments have been addressed. I recommend replacing the full contaminated land condition recommended in the original response with the following 'precautionary' condition, in case any contaminated material is identified during the development.

NATIONAL HIGHWAYS: - No objection. The proposal would not materially affect the safety, reliability and/or operation of the strategic road network.

NATURAL ENGLAND: - No objection. Based on the plans submitted, Natural England considers the

development will not have significant adverse impacts on statutorily protected nature consideration sites.

SUSSEX POLICE: - General comments received referring to guidance. The development should be designed to be secured by Design Standards. The orientation of the dwellings will ensure that all publicly accessible areas benefit from overlooking and good natural surveillance. Parking provision is primarily on plot, with car barns and allocated parking within parking courts along with the provision of 5 visitor spaces. Where communal parking occurs within the development it is important that they must be within view of an active room within the property. Where lighting is implemented it should conform to the recommendations within BS5489-1-2020.

LANDSCAPE AND GREENSPACE: - No objection on landscape grounds to the layout proposals, subject to full details of maintenance and management of open space being secured, a detailed landscaping scheme.

SOUTH DOWNS NATIONAL PARK AUTHORITY: Response received, no comments to make.

WSCC EDUCATION: - Objection. Developers are required to mitigate the impact of their proposed developments and, where appropriate, provide or make contributions towards site specific education provision where a specific need is identified arising from the impact of the development. School places are required in perpetuity to mitigate planned development.

Until such time that a new secondary school to meet Arun requirements in accordance with the Council's commitments is built and open to pupils, transport costs are required to mitigate the additional costs to transport pupils from Arun District, who were unsuccessful in securing a place at one of their preferred schools or catchment school, to access education places at an alternative secondary school within West Sussex. West Sussex County Council will seek a contribution from proposed developments towards funding the provision of home to school transport in accordance with the West Sussex home to school transport policy. This contribution seeks to cover the cost of providing new or additional transport, based upon a calculation of the number of pupils generated by the development that require secondary school places before a new secondary school in Arun is delivered.

WSCC HIGHWAYS (LHA): - Advice. Would be satisfied in principle subject to the Safety Auditor confirming acceptance to the Designers Response. Confirm that there would be no concerns with the development from a capacity perspective.

The LHA has reviewed the parking allocation submitted with the TS and is satisfied with the allocation of 63 parking spaces for cars throughout the development. In terms of layout the LHA would be satisfied with the turning facilities for vehicles in the development. Swept path diagrams have been included. LHA parking standards (September 2020) for 2021 dictate that 33% of spaces should be 'Active' in supporting EV Charging infrastructure, this should be included in the final allocation.

WSCC LOCAL LEAD FLOOD AUTHORITY (LLFA): - The applicant has sufficiently addressed our requirements and is in accordance with NPPF and local planning policy, No objection subject to conditions.

WSCC MINERALS & WASTE (MWPA): - Following the consultation response issued by the MWPA (22/08/2023), which requested the submission of a proportionate Minerals Resource Assessment (MRA), the applicant has provided a MRA which details that the site would not be suitable for the full prior extraction of the safeguarded mineral resource owed to the potential unacceptable impacts this would cause on the amenity of nearby residential receptors and the nearby conservation area. The MRA concludes that the applicant would support the decision to explore the incidental extraction of the safeguarded mineral

during construction for reuse in the development, as appropriate.

While there is little assessment as to why the prior extraction of the mineral would result in the impacts anticipated, the MWPA is satisfied that the incidental approach to extraction would result in the potential use of the safeguarded mineral in the site, as appropriate. Subject the LPA being satisfied that it has been adequately demonstrated that prior extraction of the safeguarded mineral at the site would not be economically practicable or environmentally feasible, the MWPA offer no objection and recommend the determining authority include a pre-commencement condition to secure the incidental extraction of the mineral.

ECOLOGY: - The mitigation measures in the Ecological Impact Assessment (EclA) (Ecosupport, July 2023) should be secured by condition and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Dormice, reptiles, Badger, Hedgehog and breeding birds. Support the reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the NPPF (2021). The reasonable biodiversity enhancement measures which have been detailed within the EclA and included on a plan should be implemented in full. This will enable LPA to demonstrate compliance with its statutory duties including its biodiversity duty under s40 Natural Environment and Rural Communities (NERC) Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to conditions based on BS42020:2013. We recommend that submission for approval and implementation of the details should be a condition of any planning consent.

WEST SUSSEX FIRE & RESCUE: - Advice regarding request for fire hydrant or stored water supply at the site.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Recommended conditions/informatives have been included, where appropriate.

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE4	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 in the Arun Local Plan (ALP) and Waberton Neighbourhood Plan (WNDP) have been considered.

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 TCPA 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, 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.

The proposal is considered to comply with relevant Development Plan policies in that the proposals are in conflict with the made Neighbourhood Plan is and the NPPF advises that this conflict should not be outweighed by the presumption in favour.

LISTED/CA

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to accord with these criteria in that it is considered to result in less than substantial harm to the setting of the character of the Conservation Area and the public benefits do outweigh the harm to the heritage asset.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations sufficient to be weighed in the balance with the Development Plan, including the delivery of market and affordable housing towards meeting the District's identified need. Other material considerations are discussed below.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Walberton Neighbourhood Development Plan made in 2021 ("WNDP") 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". Any conflict between the current WNDP and the ALP, should be resolved in favour of the latter. The most relevant policies in the Local Plan (C SP1) has reduced weight as Arun cannot demonstrate an adequate supply of housing land (2.36 years).

Having regard to Policy SD SP2 of the adopted Arun Local Plan, and Policy HP1 of the 2021 WNDP, the sites lies outside the Built Up Area Boundary (within which development should be focused) and is defined as being in the countryside under the provisions of Policy C SP1 of the Arun Local Plan, where development will only be permitted for a defined list of countryside uses.

Policy HP1 of the WNDP relates to the Built Up Area Boundary (BUAB) and states proposals for development outside of the BUAB, that do not accord with the development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure.

The provisions of Policy SD SP2 and Policy C SP1 preclude residential development on the site. The principle of development is contrary to the development plan.

In January 2023, the Council republished its Authority Monitoring Report (AMR). This states the HLS is now at 2.36 years. The HDT results for the district have been below 70% since 2018. Given this position, the policies most relevant to the determination of the application are considered out of date and have reduced weight.

Paragraphs 10 and 11 confirm that at the heart of the NPPF is the presumption in favour of sustainable

development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Alternatively, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 8 confirms that, for applications involving the provision of housing, this includes situations where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 74), or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. The proposal does not comply with at least 3 of the stipulated criteria. Specifically, criterion a, as the WNDP became part of the development plan more than 2 years ago, criterion c as the local authority has less than a 3-year supply of deliverable housing sites, and criterion d as the Local Planning Authority's housing delivery was below 75% of that required over the previous 3 years. Paragraph 14 of the NPPF does not apply and the conflicts with the provision of the WNDP are not in themselves considered to significantly and demonstrably outweigh the benefits of the provision of housing in this proposal.

Paragraph 11d of the NPPF requires the LPA to engage a 'tilted balance' and to grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when weighed against the NPPF policies as a whole.

As such, while the proposal is contrary to the policies of the Arun LP and Walberton NP, given the Local Authority HLS position these policies are considered not to be up to date. Therefore, the provision of paragraph 11d of the NPPF are engaged and as such there is a presumption in favour of sustainable development that does not significantly and demonstrably outweigh the benefits of the provision of housing in this proposal and a tilted balance will apply.

For the reasons set out below, there are not such harmful impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The Council's HLS position has changed since the previous refusal and dismissed appeal. The previous application listed non-compliance with policies C SP1 of the Arun LP and HP1 of the WNDP as a reason for refusal (reason 1). In light of the new position set out above, that the LP and NP policies are considered not to be up-to-date and paragraph 11d is engaged, this reason for refusal is no longer relevant to this application.

SUSTAINABLE DEVELOPMENT

The site is less than 500m to the centre of the village to the east. This short walk to the village centre provides access to the village hall, community play centre, village sports pitches, Walberton & Binsted C of E Primary School, a post office, pub, church and other local services and facilities. Therefore the site represents a sustainable location for new housing.

The site benefits from links with local footpaths and bridleways, as well as a local cycle route that runs along West Walberton Lane, around Walberton Green and along Eastergate Lane, before connecting with the dedicated cycle route that runs in a southerly direction from Eastergate Lane located opposite

the southern boundary of the site.

Paragraph 8 of the NPPF sets out three objectives in relation to sustainable development comprising social, environmental, and economic. Taking each in turn, the proposal would provide social gains resulting from the provision of affordable housing; the proposed mix of house types; limited increase in accessible open space and the increased use of local services and facilities.

The officer report for the previous proposal raised concern with the impact on the character of the open countryside, despite being adjacent to the BUAB, and as such there were not considered to be environmental gains. In the Inspector's decision, although ultimately dismissed, they noted that while there would be an erosion of the open and undeveloped character of the site, they did not agree that the site is visually separate from the village given the presence of housing to the north and south, and the presence of the village green to the east. The inspector considered that the presence of substantial field hedge and trees along the western boundary limited views from the countryside further west. The inspector determined that the development would be seen as an extension of the existing built form rather than an intrusion into the open countryside.

Further to this, the scheme currently for consideration has seen a reduction in the amount of development proposed and an increase in landscaping and biodiversity enhancements. Taking the above into consideration, environmental gains would be provided in this scheme through the proposed biodiversity net gain as well as enhanced landscaping with additional planting. Given that there would only be limited harm to the environment through the loss of the open and undeveloped nature of the site, due to the degree of containment and retention of the most important landscape features which would screen it from wider view, this harm is not considered to outweigh the stated environment gains.

There would be some, albeit limited, economic benefits through the creation of construction jobs, increased local spending, and broader benefits of housebuilding contributing to wider economic recovery.

The proposal is considered to align with the overarching objectives set out in paragraph 8 of the NPPF and as such comprises sustainable development.

HERITAGE

Policy VE13 of the WNDP relates to distinctive views and vistas, including View 1 looking west towards Walberton Village Green and pond. Development proposals should respect and, where possible, enhance distinctive views and vistas by ensuring that their visual impact on these views is carefully and sympathetically controlled.

Policy VE4 states that proposals that adversely affect the setting of the two Conservation Areas will not be supported. New development must protect the open/rural character of the Conservation Area's setting and sustain or enhance the visual connections between the village's core and its rural hinterland, including longer views to the South Downs, which contribute to the character of the Conservation Area.

Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. It states that developments that prejudice the conservation of the assets or their setting will be refused. Policy HER DM3 outlines how the Council will preserve and enhance the character and appearance of Conservation Areas.

Paragraph 197 of the NPPF requires decision taking to take account of the desirability of preserving the significance of a heritage asset and the positive contribution that the conservation of the asset can make to sustainable communities. Paras 199 - 200 set out how the significance of an asset will be assessed and para 201-202 confirm how harm to assets will be quantified.

The eastern most part of the site is in the Conservation Area. There is no built form proposed in the Conservation Area. A Heritage Statement has been submitted to fulfil the requirements of paragraph 194 of the NPPF.

The previous application at the site identified less than substantial harm which was not considered to be outweighed by the public benefits of the scheme and listed this as a reason for refusal (reason 3).

As part of the proposed development, new built form will be set back from the Walberton Green Conservation Area (located to the east).

ADC's Conservation Officer notes the Green has an important relationship with, and transition towards the adjoining countryside. The Conservation Officer considered the scheme and Inspectors decision along with the heritage statement. The Conservation Officer notes that while the eastern most part of the site lies in the Conservation Area the built form of development lies beyond it and as the impact on the Conservation Area relates to its setting rather than its intrinsic character and appearance.

The Conservation officer notes that some effort has been made to ensure the scheme references the local character but notes that materials, joinery details and finished would need to be of a very high standard and as such a materials condition is proposed.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2023). The Inspector agreed that the previous proposal for a larger scheme would also amount to less than substantial harm. The proposal is reduced by 5 dwellings and incorporates an enhanced landscaping scheme and biodiversity net gain. Less than substantial harm is considered as a broad spectrum. The less than substantial harm in this case would be considered to be at the lower end of the scale, owing to the factors set out above.

In accordance with paragraph 202 of the NPPF the public benefits of the development need to be considered as part of the assessment of the application, along with the contents of the 1990 Act (as amended). It is therefore necessary to consider the public benefits that the development may achieve balanced against the development of the site. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS), including more than 30% of the units as affordable.
- Creating construction jobs.
- Additional spending by new residents on local goods and services.

In conclusion, the public benefits of the proposed development are considered to outweigh the less than substantial harm caused to the Conservation Area and the proposal, therefore, complies with policies HER SP1 and HER DM3 of the Arun LP, policies VE4 and VE13, the NPPF and Section 72 of the Act.

CHARACTER & DESIGN

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. Arun LP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

Policy VE13 of the WNDP states that development proposals should respect and, wherever possible, enhance distinctive views and vistas by ensuring that the visual impact on these views is carefully and sympathetically controlled. Schedule 7 of the Plan identifies one of these from Walberton Green facing northwest and southwest towards the proposed application site.

The National Design Guide (NDG) is a material consideration in the determination of this application. It states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing. It sets out ten characteristics of beautiful, enduring, and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The applicant provided a Design and Access Statement (DAS) which responds to these headings and concludes the scheme will blend harmoniously in the surrounding area providing high quality, well designed dwellings and spaces for the future residents.

The design of the proposed buildings clearly takes reference from the local character. The design process and design evolution are set out in the submitted DAS which demonstrate how the scheme has used the surrounding character to influence massing, form and design detail of the proposed buildings. An appropriate mix of styles has been incorporated to ensure variation and interest, whilst maintaining a coherent approach.

The layout has been amended since the refused scheme which results in the built form being arranged in a more linear form roughly following the line of West Walberton Lane, which is considered a positive change more reflective of the local character, in particular that of West Walberton Lane.

The Arun Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The site density of approximately 27 dwellings per hectare slightly exceeds this range, however this is a minor exceedance above the suggested density range and considering the density of the surrounding built form it is considered to be acceptable in this instance. The layout meets all other policy requirements.

Eastergate Lane and West Walberton Lane, which border the site and traverse The Green have a more rural character being fairly narrow, with limited street lighting or paving, and grass verge areas. They contribute to the attractive setting and special character of the local area. Whilst there is development on the north side of West Walberton Lane, this has a more rural character. In his assessment, the Planning Inspector found that while there would be an erosion of the open and undeveloped character of the site, they did not agree that the site is visually separate from the village given the presence of housing to the north and south, and the presence of the village green to the east. The Inspector considered that the presence of substantial field hedge and trees along the western boundary limited views from the countryside further west. The Inspector determined that the development would be seen as an extension of the existing built form rather than an intrusion into the open countryside. The Inspector concluded there would be limited harm to the character and appearance of the area and limited policy conflict.

The scheme currently for consideration has seen a reduction in the amount of development and an increase in landscaping and biodiversity enhancements. It is logical that in this instance there would also only be limited harm to the character and appearance of the area through the loss of the open and undeveloped nature of the site, due to the degree of containment and retention of the most important landscape features which would screen it from wider views.

The layout and architectural treatment of the dwellings is considered to be of a high quality and taking into consideration the Inspectors comments and the assessment made of this scheme, the harm

identified is considered to result in a limited policy conflict with policies VE13, D SP1 and D DM1. However, this conflict must be balanced against the benefits arising from the scheme. This is covered in the planning balance section below.

Given the above it should be noted that the council's previous reason for refusal (reason 2) relating to harm to the character of the area would no longer stand.

TRAFFIC, ROAD SAFETY & PARKING

ALP policy T SP1 seeks to ensure development provides safe access to the highway network and contributes to highway improvements & promotes sustainable transport. It states schemes must explain how development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

T SP1 states proposals must incorporate appropriate parking taking into consideration the impact of development on on-street parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities, and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

Para 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF (para 111), and there are no transport grounds to resist the proposal.

The proposed access is from Eastergate Lane. This includes a new crossing to connect with the shared footway and cycleway opposite. The location of this access requires a small number of Category C trees to be removed. The Primary carriageway within the site has been designed to adoptable standard.

Parking provision is in accordance with Arun District Council's Parking Standards Supplementary Planning Document (SPD). On street parking has been avoided where possible with the use of private driveways, on plot parking, car barns and parking courts, on street parking is reserved for visitor spaces adjacent to the POS. Five visitor parking spaces are provided which accords with the required 20% of the total number of dwellings being proposed. A total of 3no. disabled parking spaces are also provided, meeting the 5% requirement.

The proposals accord with policies in the Arun Local Plan and WNDP in respect of highways and parking.

BIODIVERSITY

Policy VE10 of the WNDP relates to biodiversity corridors which states proposals that have a positive impact on the local ecology will be encouraged, subject to other policy constraints. New development in or immediately adjacent to the biodiversity corridors will only be supported where it can be clearly demonstrated the proposals will not give rise to any significant harm to the integrity or function of the biodiversity corridors. The WNDP has designated a biodiversity corridor in the eastern part of the site.

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.

A 5m buffer will be kept between the development and the hedgerows and Tree Root Protection Zones have been established and will be protected. The application site is within 12km of the Wider Conservation Area for Singleton and Cocking Tunnels (Special Area of Conservation) SAC.

The applicant has submitted the following information including:

- Proposed site layout;
- BNG Assessment (Ecosupport, June 2023);
- Ecological Impact Assessment (EclA) (Ecosupport, July 2023); and
- Shadow HRA & Shadow Appropriate Assessment (Ecosupport, July 2023).

The Council's Ecologist concludes the site is classified as having high quality habitat to support commuting and foraging bats and has a regional value for both commuting and foraging bats.

The Ecologist is satisfied that the mitigation proposed would be suitable for Dormice and Reptiles and recommends that Hedgehog nesting boxes should be installed.

The Ecologist welcomes the fact that a 5m buffer will be incorporated into the design with the separation of these boundary hedgerows from the garden areas to prevent the cutting down of the hedge. Tree protective fencing must be in place prior to any construction machinery arriving on site, before any works on site get underway and must remain in place until all works are completed.

The chalk stream will need to be retained and enhanced for wildlife. This includes a buffer strip around the chalk stream (5m) and during construction fencing should be used to ensure this area is undisturbed.

The Ecologist notes that the development will result in an anticipated BNG in hedgerow units of +1.91 (+18.03%). The site will result in a loss of -7.27 (-35.93%) habitat units. The applicant is proposing use of offsite compensation to secure a net gain in habitat units. The applicant has submitted a Biodiversity Net Gain Technical Summary which sets out clearly what biodiversity enhancements can be achieved on site and why these don't result in a net gain. The summary then goes on to set out off-setting options which the applicant has considered. Four options are considered including, Mayles Farm - a site in Hampshire, the Iford Project - a Biodiversity Habitat Bank which is endorsed and delivered in partnership with the South Downs National Park Authority, The Environment Bank, and the Government Biodiversity Credit Scheme. The applicant has explored the availability of BNG schemes within the district and none have been identified. The applicant's ecologist has identified that both the Environment Bank and Government Biodiversity Credit Scheme are not currently available, therefore, the most sequentially-preferable method of achieving net gain would be through off-site compensation provided through either the Mayles Farm scheme in Hampshire or The Iford Project in the South Downs National Park.

In line with Policy ENV DM5 of the Arun Local Plan information on Biodiversity Net Gain needs to be provided as part of the planning application prior to determination. The applicant has identified two off-site schemes which have credits available in neighbouring authority area. Given that the schemes lie outside the district the credits have a reduced value and so a spatial risk multiplier of 0.75 is added. The applicant has agreed to secure the offsite Biodiversity Net Gain identified through an obligation in a s106 agreement.

The Ecological Impact Assessment (EclA) (Ecosupport, July 2023) recorded Barbastelle bat activity

during the static bat surveys, which is a qualifying species of the SAC. The Shadow HRA Assessment & Shadow Appropriate Assessment (Ecosupport, July 2023) sufficiently assesses impacts upon the SAC and the EclA considers impacts to foraging and commuting bats. The EclA has recommended buffer hedgerow planting, the retention of existing boundary features and wildlife sensitive lighting scheme. The Ecologist is satisfied with the impact assessment which has been carried out and a wildlife sensitive lighting design can be secured by a condition. The Ecologist is content that through the protection of the majority of the boundary features, the scale of the development is such that no severance or significant impacts on Barbastelle bats are predicted. The Ecologist recommends that, with mitigation secured, the LPA can record that the development can avoid adverse effects on integrity. An Appropriate Assessment has been carried out by the LPA. Natural England have been consulted upon the Appropriate Assessment and have responded stating they have no comments to make.

Subject to mitigation and enhancement measures, the development would contribute in the 'preservation, restoration and enhancement of biodiversity and the natural environment' in accordance with Policy ENV SP1 of the Arun Local Plan. It would avoid adverse impacts on designated sites of biodiversity or geological importance as required by Policy ENV DM1 and would 'incorporate elements of biodiversity minimising adverse impacts on existing habitats' in accordance with Policy ENV DM5.

Therefore, the proposals are satisfactory in this regard.

RESIDENTIAL AMENITY:

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

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

The proposals are in general conformity with these requirements.

INTERNAL & EXTERNAL SPACE STANDARDS:

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;

The proposals are in general conformity with these requirements.

HOUSING MIX:

ALP policy HDM1 requires that all housing development should provide a mix of dwelling types/sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating each must be considered

on its own merits and on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Policy HP6 of the WNDP seeks a range of house types and tenures, including a proportion of housing to meet the needs of an ageing population.

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

The proposed development comprises the following market housing mix:

- 3 x 2 bed dwellings (18%);
- 10 x 3 bed dwellings (58%);
- 4 x 4 bed dwellings (24%).

Whilst the proposal deviates from the mix set out in policy, given the edge of village location of the site it is an appropriate mix of dwellings which provides an appropriate density and maintains the transitional character of the edge of settlement development in the locality.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes.

A total of 8 dwellings are provided as affordable. The proposed development comprises the following affordable housing mix:

- 4 x 1-bed dwellings (50%);
- 3 x 2 bed dwellings (38%);
- 1 x 3 bed dwellings (12%).

The applicant proposes a tenure split of 75% (6 dwellings) affordable rent and 25% (2 dwellings) intermediate dwellings, which accords with the requirements of policy AH SP2.

The proposed mix reflects the indicative mix in AH SP2 with the exception of 4-5 bedroom dwellings where none are proposed.

HOMES FOR OLDER PEOPLE AND THOSE WITH DISABILITIES:

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 development plan policy or a Supplementary Planning Document, but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This internal policy requires at least 8 of the homes (30%) are designed to the M4(2) standard, and that 2 are designed to meet M4(3) i.e. be wheelchair accessible.

The applicant has provided a plan to show that 30% of the homes (8no.) would comply with M4(2) standards and 2no. homes would be capable of achieving M4(3) standard.

FLOOD RISK & SURFACE WATER DRAINAGE:

ALP policy W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process. Policy VE7 of the WNDP states that new development should aim to reduce the overall level of flood risk through a series of criteria.

Land to the west of the site is in Flood Zones 2 & 3. This land previously formed part of the site, but in this application it has been removed from the red line boundary and is shown with a blue line denoting it is in the applicant's control but does not form part of the development site. This area of the site has been kept free from built form and comprises open space. These features are capable of being controlled via condition within the blue line should permission be granted.

The application site is now wholly in Flood Zone 1 (lowest risk), as such is an appropriate place for residential development in flood risk terms and as the application site no longer contains areas of flood zone 2 and 3 there is no requirement for the applicant to carry out a sequential or exception test. The previous reason for refusal (reason 4) and the issues raised in the Inspector's decision relating to flood risk are no longer applicable.

The Flood Risk Assessment and Drainage strategy have been assessed by the Lead Local Flood Authority and the Drainage Engineers and both have not objected, subject to conditions. The drainage strategy has been designed to achieve a 44% run off rate betterment in the 1:30 year storm and 22% betterment in the 1:100 year +45% climate change events.

The flood risk assessment and drainage strategy are appropriate for the site and for the development, and adequately demonstrate the site is safe to develop with regard to flood risk and surface water in accordance with national and local policy.

FOUL DRAINAGE:

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 that a drainage impact assessment is required for all major development.

The foul drainage strategy shows a connection from the site to the public foul sewer in Eastergate Lane. This allows for a gravity discharge from the site and will need to be confirmed and approved by Southern Water.

Southern Water have previously stated that additional flows may lead to an increased risk of foul flooding from the sewer network and any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. While Southern Water have not provided comment on this application at this time it is appropriate given their previous comments to include a suitably worded condition. Subject to this, the proposals would accord with Policy W DM1 of the Arun Local Plan.

ENERGY AND CLIMATE CHANGE:

Arun LP policy ECC SP2 requires that all 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.

The Energy Statement confirms that the proposal can comply with the requirement of policies ECC SP1 and ECC SP2 of the Arun LP. Air source heat pumps are proposed on all dwellings. These measures can be secured via condition.

PUBLIC OPEN SPACE & PLAY:

Arun LP policy OSR DM1 requires housing developments to 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 for 2,745 sqm of Public Open Space (POS) for development of this size and a separate play provision of an onsite, unequipped natural play LAP.

Open space is provided throughout the site. To the eastern boundary lies Walberton Green and the Conservation Area, the development has been set back allowing for a new area of POS and creating a green buffer. A village green area (POS) is proposed adjacent to the west boundary with the mature trees and vegetation along this boundary being retained and enhanced. A pond is proposed which has a dual purpose of encouraging wildlife and to provide an attractive feature for future and existing residents as well as sustainable drainage system. The top of the site (north) is to be retained for ecology and biodiversity purposes providing a continuous 5m wide green corridor from the north to south of the site.

The provision of open space and play space is above that required by Arun LP policy OSR DM1 and the Councils SPD and subject to conditions the landscape scheme would result in a high-quality development.

TREES

Policy VE3 of the WNDP states that development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed and that development that damages or results in the loss of ancient trees/ trees of arboricultural and amenity value or loss of hedgerows or significant ground cover and habitat will be resisted.

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires that development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals to reflect the characteristics of the site and local area in their landscaping.

The layout shows that those trees on the western edge are to be incorporated into an area of open space, and the creation of a landscape buffer zone that should perpetuate the existing wildlife corridor within and beyond the site.

An existing green boundary is evident to the perimeter of the proposals, this would require further, supplementary planting to enhance and improve it. Apart from the site boundaries, the site is largely devoid of trees and only two individual trees and one group is proposed for removal. The two trees for removal are deceased, the Group is classified as Category C and are being removed to provide an access.

The proposal is considered to be satisfactory subject to conditions with regard to trees.

MINERALS

The applicant provided a Minerals Resource Assessment (MRA) which details that the site would not be suitable for the full prior extraction of the safeguarded mineral resource owing to the potential unacceptable impacts this would cause on the amenity of nearby residential receptors and the nearby Conservation Area. The MRA demonstrates to the satisfaction of the LPA that prior extraction would not be economically practicable or environmentally feasible. The MRA concludes that the applicant would support the decision to explore the incidental extraction of the safeguarded mineral during the construction phase for reuse within the development, as appropriate.

The Minerals and Waste Planning Authority (MWPA) is satisfied that the incidental approach to extraction would result in the potential use of the safeguarded mineral within the site, as appropriate and raised no objection subject to the imposition of a condition.

SUPPORTING INFRASTRUCTURE:

ALP Policy INF SP1 requires that development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contributions must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

The Parish Council will be provided 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

Affordable housing provision would also be required to be secured via a planning obligation.

On-site provision of open space and play equipment can be secured via a planning condition.

WSCC Education require a sum for school transport to mitigate the impacts of the proposed development upon Education which can be secured via planning obligation.

Therefore, subject to completion of a Section 106 agreement in line with the above the proposals would accord with policy INF SP1 of the Arun Local Plan.

SUMMARY & PLANNING BALANCE

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 conflicts with the council's policies in respect of: development in the countryside; and impacts on the character and appearance of the area.

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, 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 the appeal for the previous application (APP/C3810/W/22/3291254), where the inspector gave this matter significant weight. In this case it would be appropriate to, similarly, allocate significant weight to the contribution to the housing shortfall. In that appeal, the Inspector afforded significant weight to the delivery of affordable housing and limited weight to the economic benefits of the scheme, limited weight to the environmental benefits of the scheme such as biodiversity enhancements, and neutral weight to the social benefits of the scheme. These weightings are relevant to this application.

In the appeal the Inspector gave moderate weight to the conflicts with policies with regard to location of development and limited weight to the impacts on the character and appearance of the area. Once again, it is appropriate to apply the same weighting here.

Development in the countryside is against policy but such a refusal reason would not be sustainable unless there was associated harm. There is policy conflict with Arun LP Policy W DM1, but this does not generate any harm and as such can only be considered to carry limited weight.

Taking into consideration the tilted balance as required by paragraph 11d and weighing all matters together, 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 Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

Grant permission subject to the conditions and informatives as set out in the report (including any report update or additional conditions voted for inclusion by the Committee), and subject to the satisfactory completion of a section 106 Agreement, the terms of which are substantially in accordance with those set out in this report (as may be amended by report update), with any minor amendments authorised by the Group Head of Planning.

Should the s106 not be completed within 4 months of the date of the Planning Committee's resolution to grant permission, or should the applicant refuse to reach agreement with WSCC as to the amount of secondary school transport contribution, 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 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.

(3) In the absence of a signed Section 106 agreement to secure the agreed off-site Biodiversity Net Gain measures/contribution, the proposed development would be contrary to Policies ENV SP1, ENV DM1, and ENV DM5 of the Arun Local Plan.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

The proposal would have a positive impact on the protected characteristics (age/disability by providing M4(2) and M4(3) dwellings.

SECTION 106 DETAILS

- Affordable Housing.
- Maintenance and management of public open space.
- Education contribution towards school transport.
- Biodiversity net gain offsite.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

- Proposed Site Layout - Drawing No. DE_001_G_01;
- Location and Block Plan - Drawing No. DE_001_G_02;
- Affordable Housing Layout - Drawing No. DE_001_G_03;
- Parking Strategy Layout - Drawing No. DE_001_G_04;
- Boundary Materials Layout - Drawing No. DE_001_G_05;

- Housing Mix Layout - Drawing No. DE_001_G_06;
- Access and Movement Plan - Drawing No. DE_001_G_07;
- Street Scenes Elevations - Drawing No. DE_003_E_01;
- Landscape Masterplan - Drawing No. P20-2233_07 Rev K;
- House Type Pack including Floor Plans and Elevations - Reference No. DE_02_B;
- Eastergate Lane Access Design and Visibility Plan prepared by Paul Basham Associates - Drawing No. 195.0002.002 Rev C;
- Ecological Impact Assessment (EclA) prepared by Ecosupport Ltd;
- Shadow HRA & Shadow AA prepared by Ecosupport Ltd;
- BNG Assessment prepared by Ecosupport Ltd, Nov 23;
- BNG Metric 4.0 V3 completed by Ecosupport Ltd;
- Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy;
- Tree Protection Plan prepared by Barrell Tree Consultancy - Drawing No. 20145-7;
- Manual for Managing Trees on Development Sites prepared by Barrell Tree Consultancy; and
- Topographic Survey prepared by P Stubbington Land Surveys Ltd - Drawing No. 8450/01/B.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity setting of the conservation area by endeavouring to achieve a building of visual quality in accordance with policy D SP1, D DM1, HER DM3 and HER SP1 of the Arun Local Plan.

- 4 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.

- 5 Prior to commencement of development drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment incorporating Drainage Strategy, CEP, Version 2.4), Drainage Strategy Plan (23609_FRA_08_C CEP), Surface Water System Sections (23609_FRA_09 A & 10) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

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.

- 6 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.

- 7 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.

- 8 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.

- 9 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 and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 10 Any works which will impact the breeding/resting place of bats, shall not in in any

circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998. It is considered necessary for this to be a pre-commencement condition to te proper licences are in place before construction commences.

- 11 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the BNG Assessment (Ecosupport, Nov 2023) as submitted with the planning application and approved by the Local Planning Authority.

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 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 NERC Act 2006 (Priority habitats & species).

- 12 Prior to occupation, a "lighting design strategy for biodiversity" which shows no artificial illumination of the boundary hedgerows and trees shall be 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 dormice 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 NERC Act 2006 (Priority habitats & species).

- 13 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development.

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 period, covering a minimum of a 30 year period relating to Biodiversity Net Gain).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also 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 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 NERC Act 2006 (Priority habitats & species). It is considered necessary for this to be a pre-commencement condition to the proper landscape and ecological management measures are in place before construction commences.

- 14 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.
- 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 allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). It is considered necessary for this to be a pre-commencement condition to the proper

precautions are in place to ensure no harm to reptiles before construction commences.

- 15 Prior to the first occupation of any dwelling forming part of the proposed development the developer shall, at their own expense, install the fire hydrant in the approved location 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.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 16 The development shall be carried out in accordance with the submitted flood risk assessment (ref v2.4 November 2023) and the following mitigation measures it details:

-No development, or alterations to ground levels, shall take place within the design flood outline as shown on drawing 05A in Appendix 6 of the submitted FRA. Any development of alterations within the design flood outline are likely to require floodplain compensation

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that there is no loss to floodplain storage in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 17 Prior to the commencement of development, a scheme for the incidental extraction of the safeguarded mineral resources underlying the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- an assessment of the extent, volume and practicability for incidental extraction, which shall be based on detailed ground investigations; and,
- the methodology for which any identified incidental mineral extraction would be carried out, which shall include a detailed programme/phasing of extraction, the recording and monitoring of any safeguarded resource extracted and details of the proposed destination/use of the mineral.

Reason: To ensure the incidental extraction and recovery of any underlying safeguarded mineral resource, where practicable, in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) and the National Planning Policy Framework

- 18 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with the details contained within the Arboricultural Impact Appraisal and Method Statement ref: 20145-AA5-PB and Tree Protection Plan ref: 20145-7. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 19 The approved 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 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.

- 20 No development shall take place, apart from the enabling works listed below (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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).
- risk assessment of construction activities potentially damaging to biodiversity.
- reasonable Avoidance Method Statement for reptiles.
- details relating to an updated Badger site walkover.

- identification of "biodiversity protection zones".
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to biodiversity during construction (may be provided as a set of method statements).
- the location and timing of sensitive works to avoid harm to biodiversity features.
- the times during construction when specialist ecologists need to be present on site to oversee works.
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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.

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.

- 21 No development above damp-proof course (DPC) level shall take place until full details of the proposed in-curtilage secure cycle stores have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage sheds associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

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

- 22 Prior to occupation of any of each of the approved dwellings, the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being 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: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 23 No individual dwelling shall be first occupied until the vehicle parking and turning spaces serving that dwelling have been constructed in accordance with the approved plans. The parking spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 24 Development shall not commence, other than the enabling works (specified below), until full details of the proposed foul drainage system for the development have been submitted to and approved in writing by the Local Planning Authority. This shall include details of siting, design and subsequent management/maintenance. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The 'Enabling Works' referred to above encompass the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) tree protection measures.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary building services supply (electricity, water, data, etc).

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.

- 25 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 NPPF.

- 26 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

- 27 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

BACKGROUND PAPERS

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

WA/67/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015