

PLANNING APPLICATION REPORT

REF NO: K/46/23/PL

LOCATION: Land north-east of Kingston Lane  
Kingston Lane  
Kingston

PROPOSAL: Erection of 47 No residential dwellings (including affordable homes) (resubmission following K/56/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

The application proposal comprises a residential development including 47 dwellings and associated gardens, parking, access roads, landscaping and public open space.

The proposed site layout includes a main access road to the south-east corner from Kingston Lane which forks and circles the site. A vehicle access route is also proposed to the southeast, running towards the retained element of the existing field.

The proposed dwellings include a mixture of two storey detached, semi-detached and terraced houses, in addition to a two storey block of flats to the northwest corner. The proposed dwellings are of traditional character with predominantly gabled roofs other than the block of flats which would be hipped.

The proposed detached dwellings would have driveways and integral garages for parking and the proposed terraces and flats would have shared grouped parking spaces. A total of 113 parking spaces are proposed. There is a landscaped buffer to the east and southern boundaries and an open space to the southeast corner. The proposed gardens would be laid as lawn with a number of trees planted within front gardens and communal landscaped areas.

A pedestrian route is proposed from the southeast corner of the site along Kingston Lane to North Lane.

The proposed housing includes the following mix.

- 33 market dwellings, comprising:
- 9 x 2 bedroom units (27.3%)
  - 15 x 3 bedrooms units (45.4%)
  - 9 x 4bedroom units (27.3%)

14 affordable dwellings, comprising:  
 - 9 (64%) Affordable Rent (2 x 1 bedroom, 3 x 2 bedroom, 3 x 3 bedroom and 1x4 bedroom)  
 - 5 (36%) Intermediate (1 x 2 bedroom Shared Ownership unit and 4 x 1 bedroom First Homes)

SITE AREA	2.16 Acres
RESIDENTIAL DEVELOPMENT DENSITY	22.2 dph
TOPOGRAPHY	Predominantly flat.
TREES	Several trees would be removed to facilitate the proposals and replacement trees are proposed along the west, south and east boundaries.
BOUNDARY TREATMENT	The site's boundaries comprise hedgerows with some semi-mature trees to the north and west and a low barbed wire fence with several trees to the south. There is a watercourse/drainage ditch running along the majority of the north boundary of the site and the eastern boundary would split the existing field.
SITE CHARACTERISTICS	The site forms part of a long, rectangular field which extends from Kingston Lane in an easterly direction. The field has been subdivided to square off this plot to prevent physical encroachment into the countryside beyond the existing development and settlement boundary that runs around Somerset Road and Russell's Close to the north. Agricultural access is currently taken off Kingston Lane, in the southwestern corner of the site. Kingston Lane comprises an adopted highway.
CHARACTER OF LOCALITY	Rural to the northeast, east and southeast comprising open fields and a grouping of several dwellings and associated buildings to the south. The land immediately adjacent to the west and north comprises residential dwellings on the edge of East Preston. The main views of the site are from passing road users on Kingston Lane, users of the railway line running parallel to the north of the site and from Public Rights of Way to the south and east of the site. There are also some long range views of the site from Highdown Hill.

<b>RELEVANT SITE HISTORY</b>
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K/56/22/PL	Erection of 48 No residential dwellings (including affordable homes). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings.	Refused 24-04-23
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K/56/22/PL -Erection of 48 No residential dwellings (including affordable homes). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings. Refused

due to clustering of affordable housing, insufficient drainage details, inadequate layout relating to open space, absence of older persons housing and inadequate disabled parking provision.

Nearby site to North of application proposals:

A/168/21/PL - Land south of Littlehampton Road and east of Worthing Road, Angmering, West Sussex, BN12 6PN - Erection of 76 no. dwellings, means of access, public open space, play areas, associated infrastructure and landscaping - Appeal allowed 26 July 2022.

## REPRESENTATIONS

Kingston Parish Council - Object.

- Conflict with development plan policies relating to Built up Area Boundary.
- Loss of open countryside and prime agricultural land.
- Infringement of gap between settlements.
- Situated upon land prone to flooding.
- Loss of natural habitat for wildlife.
- Design impact on the neighbourhood.
- Lack of services/infrastructure.
- Detrimental impact upon Road Network and Road Safety.
- Archaeological finds.
- Request for construction management plan in the case of approval.
- Location of the proposed crossing point on North Lane.
- Submission of additional plans/no re-consultation.
- Design and Access Statement is misleading.
- Concern with response and conditions from LLFA.

East Preston Parish Council - Object.

- The proposal conflicts with policies SD SP2 and C SP1 of the Arun Local Plan.
- The proposal would result in infringement of the gap between settlements (East Preston to Ferring), undermining the physical and visual separation between the two settlements.
- The application would result in a cumulative strain upon infrastructure, and there appears to be no resolution.
- Harm to highway safety. Development is not in an appropriate location for occupants or existing residents.
- Loss of open countryside.
- Loss of natural habitat for wildlife.
- Harmful impact upon the character of the neighbourhood. Excess visual intrusion. Inappropriate bulk massing and scale.
- Impact upon Grade II Listed Building.
- Loss of prime agricultural Land.
- Exacerbating the risk of flooding.

Angmering Parish Council:

- Conflict with the development plan.
- Loss of open countryside and prime Grade I agricultural land.
- Infringement of gap between settlements.
- Situated upon land prone to flooding.
- Loss of natural habitat for wildlife.
- Design impact on the neighbourhood.
- Lack of services/infrastructure.
- Detrimental impact upon Road Network and Road Safety.
- Archaeological finds.

- Lack of educational facilities.
- Impacts to sewage system/capacity issues.

Rustington Parish Council:

- Conflict with the development plan.
- Loss of open countryside and prime Grade I agricultural land.
- Infringement of gap between settlements.
- Situated upon land prone to flooding.
- Loss of natural habitat for wildlife.
- Design impact on the neighbourhood.
- Lack of services/infrastructure.
- Detrimental impact upon Road Network and Road Safety.
- Archaeological finds.

Ferring Conservation Group:

- It would add to the infilling of the Ferring-East Preston Gap.
- The location off the narrow country lane would create serious problems for traffic.
- Loss of agricultural land.
- Destruction of habitats and biodiversity.

Sir Peter Bottomley MP objects to the application on the following grounds:

- The land should remain for agricultural use.
- The green space between settlements has to be maintained.
- The reasons given by the objectors are valid in detail..

448 individual letters received from members of the public objecting to the application on the following, summarised, grounds:

- Impacts upon the rural nature of the area.
- The coalescence of the settlements, contrary to the Council's Local Plan.
- Loss of agricultural land.
- Adequacy of the ecological information submitted.
- West Sussex County Council Education Services department has objected.
- Negative impact upon the highway network/network capacity issues.
- Impact upon local amenities and services.
- Potential safety issue to pedestrians and other road users.
- Increase in noise and disturbance.
- Disruption during construction works.
- Additional impact on surface water and foul water infrastructure.
- Flood risk to surrounding properties and downstream.
- Impacts upon the setting of the South Downs National Park.
- Brownfield sites should be built upon first/loss of greenfield land.

1 letter received from a member of the public supporting the application on the following summarised grounds:

- Houses are needed and need to be built somewhere
- Comments from the Parish Councils are out of touch.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and all material planning considerations are addressed in 'Conclusions' below.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

**LEISURE & GREENSPACE:** Recommend no landscape objection to the proposals subject to confirmation of compliant Public Open Space (POS) quantity and informal play provision, with further detailed submission of landscape proposals to be approved. A landscape led development in this location would be advised in order to blend the development proposal into the character of the rural fringe area. Concern expressed regarding 10% BNG and lack of play space.

**WEST SUSSEX COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY) (LLFA):** The applicant has provided a Flood Risk Assessment (FRA), Drainage Strategy and additional information to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and local planning policy W DM2. No objection subject to pre-commencement conditions being attached to any consent regarding SuDs details to be submitted, maintenance and management of SuDs, accordance with the submitted FRA, and independent review of the SuDs system.

**DRAINAGE ENGINEER:** Seeking clarification from the LLFA as to the adequacy of the suggested drainage conditions.

**WEST SUSSEX FIRE BRIGADE:** Recommend a condition to secure additional fire hydrants on site.

**NATURAL ENGLAND:** No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

**SOUTHERN WATER:** Recommend that the exact position of the public assets must be determined on site by the applicant in consultation with Southern Water. Investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

**ENVIRONMENTAL HEALTH:** No objection in principle. Recommends conditions in respect of air quality, contaminated land, unexpected contamination, construction, construction hours, external lighting, electricity sub-station noise assessment.

**ARCHAEOLOGY ADVISOR:** Recommends a condition relating to the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

**NATIONAL HIGHWAYS:** No objection.

**WEST SUSSEX COUNTY COUNCIL EDUCATION SERVICES:** Object to the proposals, on the grounds that no financial contribution is made towards the extra Arun District pupil transport costs that will be generated as a result of this application.

**ECOLOGY OFFICER:** No objection subject to conditions to secure biodiversity measures.

**WEST SUSSEX HIGHWAYS:** No objection subject to conditions to secure construction management plan, parking and turning areas, travel plan and provision of off-site highways works (pedestrian link and crossing) through a s278 agreement. The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety.

SUSSEX POLICE: Recommends that the site follows secured by design principles.

HOUSING AND ENABLING OFFICER: The dwelling mix is acceptable, the overall number and tenure of affordable housing are acceptable.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Any further clarification from the LLFA on recommended conditions or formal response from the Council's Drainage Engineer received in advance of the Committee date will be reported via an update sheet.

### POLICY CONTEXT

Designation applicable to site:

- Outside the Built-up Area Boundary (BUAB) in the Arun Local Plan.
- Within a protected Settlement Gap in the Arun Local Plan.

### DEVELOPMENT PLAN POLICIES

#### Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
INFSP1	INF SP1 Infrastructure provision and implementation
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP3	SD SP3 Gaps Between Settlements
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

<u>Kingston Neighbourhood Plan 2014 Policy KPNP1</u>	The Presumption in Favour of Sustainable Development
Kingston Neighbourhood Plan 2014 Policy KPNP2	BUILT-UP AREA BOUNDARY
Kingston Neighbourhood Plan 2014 Policy KPNP3	SETTLEMENT STRUCTURE & GREEN INFRASTRUCTURE
Kingston Neighbourhood Plan 2014 Policy KPNP5	WATER
Kingston Neighbourhood Plan 2014 Policy KPNP7	DESIGN & DEVELOPMENT

### 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

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal conflicts with relevant Development Plan policies with regard to Policy C SP1 and SD SP2.

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

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

**OTHER MATERIAL CONSIDERATIONS**

There are other material considerations to be weighed in the balance with the Development Plan. Where the site is situated in a countryside location where the principle of unrelated residential development is not permitted, in this case the relevant policy Arun Local Plan policy SD SP2 (built up area boundaries) is considered out of date for the purposes of paragraph 11 of the NPPF.

**CONCLUSIONS**

**PRINCIPLE**

The application site lies outside of the Built-Up Area Boundary (BUAB) set out by Policy SD SP2 of the Arun Local Plan (ALP) and Policy KPNP 2 of the Kingston Parish Neighbourhood Plan (KPNP). The site is therefore located in the countryside, as defined by ALP Policy C SP1 which states that development will only be permitted for a defined list of countryside uses to prevent encroachment into open countryside. The site is also within an area designated as a Gap Between Settlements (East Preston to Ferring).

The provisions of Policy SD SP2 and Policy C SP1, therefore, preclude residential development on the application site and the principle of development on the site is contrary to the development plan. However, the most relevant development policy in the Local Plan (SD SP2) and Local Plan policy C SP1 have reduced weight as Arun is currently unable to demonstrate an adequate supply of housing land.

The Council cannot demonstrate a deliverable 5 year supply of housing. As such, paragraph 11 d) of the National Planning Policy Framework (NPPF) is triggered, which states that permission should be granted where the relevant policies are out-of-date unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Policy D DM1 of the ALP sets out 15 aspects of which applications should be assessed against. These include Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 relates to internal space standards which take guidance from the Nationally Described Space Standards.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Kingston Parish Council Neighbourhood Plan (KPNP) Policy KPNP1: The Presumption in Favour of Sustainable Development seeks to ensure that planning applications which accord with the policies within the KPN1 be approved without delay unless: i. Any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole; or, ii. Specific policies in the NPPF indicate development should be restricted.

KPNP Policy 2: Built Up Area Boundary states that development will be permitted within the Built-Up Area Boundary and account should be taken of the intrinsic character and beauty of the countryside outside of the Built-Up area and the need to support thriving communities within it, in the context of a presumption in favour of sustainable development.

As set out above, the tilted balance is triggered and the NPPF makes clear that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits', when assessed against the policies in this Framework taken as a whole'. The impacts of the proposed development are considered below.

Although Kingston does have an adopted Neighbourhood Plan, it was not 'made' within the last 5 years and, therefore, the additional weight afforded to Neighbourhood Planning areas under Paragraph 14 of the NPPF (Dec 2023) do not apply in this instance.

It is of relevance that an appeal (ref. A/168/21/PL) was recently allowed for 76 new dwellings at Land to the South of Littlehampton Road, located circa 250m to the northeast of the site and, similarly, within the East Preston to Ferring Gap. The Inspector weighed the harm of the scheme against the benefits associated with the delivery of 76 dwellings, and in the context of the lack of five year housing land supply allowed the proposed development. The Inspector concluded that the benefits associated with the delivery of additional homes (including affordable units), the benefits to the local economy and the provision of open space would outweigh the harm of the development within the countryside and the associated impact in terms of character and appearance.

## SETTLEMENT GAP POLICY AND LANDSCAPE PROTECTION

Policy SD SP3 of the Arun Local Plan sets out the criteria for assessing development within the Gaps and sets out specific criteria where where development could be permitted.

Kingston Parish Neighbourhood Plan Policy KPNP3: Settlement Structure and Green Infrastructure only permits development within the Gap where specific criteria are met, including where It would not undermine the physical and/or visual separation of settlements or detrimental to district's character and strong sense of place, and where it would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;



The site is located on the eastern edge of the gap between East Preston to Ferring, adjacent to residential development to the west and open fields to the east and south. The land to the west and north is clearly developed, whilst the land to the east and south is agricultural and equestrian land.

Within the nearby allowed appeal (ref. A/168/21/PL) for a similar development within a narrower section of the East Preston and Ferring Gap, the Inspector noted that the proposal would not undermine the physical or visual separation and that the integrity of the gap would not be compromised.

A detailed Landscape Visual Impact Assessment (LVIA) has been submitted in support of the application which includes an appraisal of the visual evidence and an assessment of the landscape impacts associated with the development.

The initial chapter of the LVIA concludes that the site is well contained within the north and western boundaries and is not reflective of the wider Ferring to East Preston Gap, has a clear access point, development should take account of views from Highdown Hill, should include a landscaped buffer to the east, should align with existing development to the north and should retain and improve existing footpath along southern boundary.

The second chapter of the LVIA concludes that the site is not broadly representative of wider the gap due to influence of adjacent residential development within East Preston. The assessment then goes on to summarise that the site layout has been devised to protect more sensitive receptors and viewpoints and concludes that there are no major adverse landscape impacts. The overall conclusion indicates that the proposals would have a moderate to minor adverse impact on key receptors, a significant/adverse impact on views from neighbouring private houses and a neutral impact on views from Highdown Hill.

The general conclusions of the LVIA are not disputed. The proposed development would impact on the short-range views into and across the site, particularly from the southeast on Kingston Lane and also from adjacent PROWs, however the impact on long range views, such as from Highdown Hill and the SDNPA, would be limited. The site would effectively square off a section of the field and would be viewed in the backdrop of the settlement of East Preston, appearing as an extension of the settlement boundary and therefore would not significantly harm the character of the undeveloped coast.

The proposed development would not extend beyond the narrowest section of the existing settlement gap and a separation of approximately 1200m would be retained between Ferring and East Preston.

The application submission does not include any evidence to suggest that the development could not be located elsewhere, however in light of the significant under delivery of housing within the district and the Council's lack of ability to demonstrate a 5 year Housing Land Supply it is considered that potential for a development of this scale in alternative locations would be limited.

This proposal would result in the encroachment into the identified Gap, however, it would be read as an extension to East Preston and would ensure a sufficient level of separation would be retained between the two settlements, thereby avoiding significant harmful coalescence and the visual separation of Ferring and East Preston. Whilst not fully in accordance with ALP policies SD SP3 and KPNP Policy KPNP3, the level of harm caused in this regard would not significantly and demonstrably outweigh the benefits given the Council's inability to demonstrate a five year supply of deliverable sites for housing.

## DESIGN AND IMPACT ON VISUAL AMENITY

ALP Policy D SP1: Sustainable Development requires development proposals to make efficient use of land whilst reflecting the characteristics of the site. 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, including demonstrating high quality design. Similarly, ALP Policy D SP1: Design requires development to make efficient use of land and reflect local character.

ALP Policy LAN DM1 requires special regard to be had to the setting of the South Downs National Park.

KPNP Policy 7: Design and Development requires development to be appropriate and sympathetic to the Parish's character and appearance in terms of scale, siting, layout, density, building materials, and landscaping.

The National Design Guide (NDG) and Arun Design Guide (ADG) are material considerations in the determination of this application. Both documents require good design through layout reinforced by appropriate form and scale of buildings, their appearance, landscape, materials and their detailing.

The general design would include a mixture of dwelling typologies, scales and arrangements as summarised below:

- A single, standalone two storey block of six flats.
- Two terraces of four two storey houses.
- A single terrace of three two storey houses.
- Ten pairs of semi-detached two storey dwellings, three of which would have living accommodation within the loft space.
- Ten two storey detached houses.

The dwellings would all be of traditional appearance with predominantly gable roofs with the ridge set parallel to the proposed access routes, other than two detached dwellings set perpendicular. The block of flats would be located to the north-east corner and would have a hipped roof. The general material palette would be traditional including grey, rustic red brick and brown roof tiles and features properties with tile hanging and weatherboarding.

The general pattern and distribution of development is considered to be of an acceptable quality. The proposal in this application would include a refined layout with parking broken up by more landscaping than in the previous refused application, with the general layout being improved by the reduction in the number of units and reinforcement of the landscaping/biodiversity area to the eastern boundary. The site would create a positive relationship between the built form and areas of landscaping and open space. The open space is located to the edges of the site with a clear, open and usable area located to the southeastern corner. While it is normally preferable to have the open space throughout the development and more centrally located, in this instance the location of the open space also helps to ensure that the southern and eastern boundaries are kept free from built form and can be utilised as a buffer.

An access road leading off the southeast corner of the site is also included within the site layout. The function of this access road is to retain farm access to the fields to the east; however, it is assumed that it could provide access to potential future developments on the adjacent land, should these be permitted. The access road is constructed with re-enforced grass to allow its use as a farm access whilst maintaining a green appearance.

The proposed dwellings' design and materials are appropriate for this location, the site layout and open space are appropriate for this location and sit well within the existing character of the surrounding built form.

The proposals are therefore considered to be of an acceptable design and layout and while there would be an adverse impact upon the character of the site this would not result in significant harm, in accordance with policies D SP1 and D DM1.

## RESIDENTIAL AMENITY

ALP policy D DM1 requires development to avoid significant impact and harm 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.
- Minimum private rear garden depth of 10.5m

The proposals are in general conformity with these requirements, apart from some minor discrepancies within the layout, such as the distance from the rear elevations of plots 23 and 40/41, and the rear garden depths of plots 21 and 22 (8.75m). In the context of the wider development, these minor conflicts with guidance (rather than policy) do not justify withholding planning permission.

The ADP also recommends that all units should have access to external private amenity space, and flatted developments should include a combination of shared gardens, private ground floor areas and balconies. A minimum of 3sqm usable space is recommended for balconies. The block of flats includes a shared external garden area; however, the first floor flats would not include projecting balconies.

The lack of private amenity space for several units weighs against the scheme, however, the standard of accommodation is considered acceptable when considered as a whole, in accordance with policies D DM1 and QE SP1 of Arun Local Plan.

## INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 requires residential developments to meet the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard NDSS). The supporting text of D DM2 requires external space to accord with the guidelines set out within the Arun Design Guide.

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.

As set out above, a small number of the units would marginally fall short of these standards which weighs against the scheme, however, all units meet or exceed the NDSS minimum requirements.

## HOUSING MIX/AFFORDABLE HOUSING

Policy H DM1 of the Arun Local Plan 2011-2031 seeks to secure a mix of dwelling types and sizes, including affordable housing units. It states, "for developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations".

The most up to date recommendations are contained in the SHMA report published in September 2016. The suggested mix of housing by size and tenure is as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	5-10%	40-45%	35-40%	10-15%
Intermediate/Starter Homes	15-20%	50-55%	25-30%	0-5%
Affordable Rented	35-40%	35-40%	15-20%	5-10%

ALP Policy AH SP2 requires that all developments of 11 residential units or more provide a minimum of 30% affordable housing with a tenure mix of 67% affordable rented, 25% First Homes and 8% Intermediate. The Affordable Housing Statement (AHS) submitted with the application indicates that 14 AH units are to be provided on site, equating to a total AH provision of 30%, with the following tenure mix:

14 affordable dwellings are proposed comprising:

- 9 (64%) Affordable Rent (2 x 1 bedroom, 3 x 2 bedroom, 3 x 3 bedroom and 1 x 4 bedroom)
- 5 (36%) Intermediate (1 x 2 bedroom Shared Ownership unit and 4 x 1 bedroom First Homes)

This provision, tenure and occupancy mix is acceptable and has received support from the Council's Housing Officer.

The intermediate/First Homes are 80% 1-bedroom and 20% 2-bedroom. The proposed Affordable Rent are 22.22% 1-bedroom, 22.22% 3-bedroom, 33.33% 3 bedroom and 11.11% 4 bedroom. The intermediate units are weighted towards smaller units, whilst the Affordable Rent are slightly weighted towards larger units.

The proposed market mix is 27.3% 2-bedroom, 45.4% 3-bedroom and 27.3% 4-bedroom. This market mix is therefore skewed slightly towards larger units in comparison to that suggested in the SHMA, however, this alone would not warrant refusal of planning permission.

ALP Policy AH SP2: Affordable Housing requires proposed affordable houses to be visually indistinguishable from market housing and for units to be pepper potted across the site to avoid large clusters of single tenure types.

Affordable units would be along the northern portion of the site but, unlike the previously refused scheme, they are now split up by market housing so as to avoid clustering. The proposed development is therefore in accordance with ALP Policy AH SP2.

The applicant has agreed heads of terms for a s106 agreement to include the provision of affordable housing in the terms as set out above.

#### HOMES FOR OLDER PEOPLE AND PEOPLE WITH DISABILITIES

Arun DC agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 14 of the homes (30%) are designed to the M4(2) standard, and that 2 are designed to meet M4(3) in order to provide wheelchair accessible units.

The application proposes 16 M4(2) units and 2 M4(3) compliant units and, therefore, provides adaptable dwellings in excess of those required by internal policy and ALP Policies D DM1 & D DM2.

#### TRAFFIC, ROAD SAFETY & PARKING

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; 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 of the Arun Local Plan states proposals must incorporate appropriate levels of parking taking into consideration the impact of development on on-street parking. Policy T DM1 of Arun Local Plan 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.

Paragraph 114 of the NPPF states that 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 115 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."

The site is located adjacent to the settlement boundary of East Preston and is within walking and cycling distance to a number of local services, amenities and sustainable transport options. A new pedestrian access is proposed to cross North Lane and would link up to the existing pavement network, allowing access via foot to bus stops and East Preston centre. WSCC highways has raised some concern with the indicated location of the crossing point, being close to the 90 degree bend in the road. WSCC highways has requested this is relocated. The applicant's transport consultant has proposed altering this location by moving in further north within North Lane to satisfy the request of WSCC. Nonetheless details of the provision of this crossing point could be secured through condition and would be secured via a s278 agreement with the local highway authority.

In terms of vehicle access, vehicles would enter the site via a formalised junction onto Kingston Lane at the southeast corner of the site. The access road would be 5.5m wide with a 6m kerb radii in addition to a 2m wide footway. 2.4m x 43m visibility splays are proposed in either direction onto Kingston Lane. This arrangement is acceptable for the scale of development and 30mph speed limit of the road. West Sussex County Council Highways raise no objections to the proposed access.

The site will include a range of car parking including garages, driveways and street parking. A total of 113 parking spaces (104 allocated and 9 unallocated spaces) would be provided which would comply with the requirements of ADC parking SPD. All residential dwellings would be provided with electrical charging points in accordance with Building Regulations Approved Document S. Parking guidance requires 5% of the total parking provision to be designated for people with disabilities. Details of accessible parking for people with disabilities has been provide showing a total of 9 accessible parking spaces (1 of which is a visitor parking space).

Secure covered cycle parking is proposed for all dwellings within garages or garden sheds in addition to a communal store for the flats. The proposed car and cycle parking provision is considered acceptable and in accordance with the ADC Parking SPD.

Details have been provided to confirm that refuse and emergency vehicles can safely enter, circulate and leave the site.

The supporting Transport Statement concludes that the development is likely to create 24 vehicle

movements during AM and 30 in the PM peak hours, approximately 1 vehicle every 2 minutes during peak hours. This increase in vehicle movements is considered acceptable and would not result in severe impacts to the road network capacity.

A detailed Travel Plan is proposed including a number of incentives and methods to promote sustainable transport use such as cycle planners, car sharing, travel vouchers and details of cycle and walking routes set out within a 'welcome pack' for future residents.

County Highways raise no objections to the application with regards to sustainable location, access arrangements, traffic generation and do not foresee any significant impact on highway safety, subject to conditions to secure implementation of vehicle parking and turning spaces, a Construction Management Plan and a Travel Plan and linked footway and crossing of North Lane via legal agreement. These items would be secured via condition if recommended for approval. The proposal application accord with ALP Policies T SP1 and T DM1.

## **BIODIVERSITY AND LOSS OF TREES**

Policy ENV SP1 of the Arun Local Plan 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.

Policy ENV DM4 of the Arun Local Plan requires development to protect and manage existing trees wherever possible. It also requires development to take a comprehensive view of tree issues at the early stages of the design process.

KPNP Policy 4: Natural Environment requires development to contribute to the quality of the natural environment of the Parish, to ensure protected species are accounted for, to avoid the loss of any trees or hedgerows with amenity value and to ensure it would not impact on the Ferring Rife and Meadows SNCI.

The application is supported by an Arboricultural Assessment and Method Statement and an Ecological Assessment. The Arboricultural Assessment details that the proposals will involve the felling of one horse chestnut, one sycamore tree, an elder tree and several Elm trees suffering from Dutch Elm Disease. All development would be located outside of root protection areas of the retains trees and a detailed method statement is included confirming that appropriate measures will be put in place to protect retained trees during construction. No objections are raised in terms of impact on trees. No comment has been received from the ADC Tree Officer.

The Ecological Assessment includes several surveys for protected species including bats, birds, Great Crested Newts and reptiles. The bat survey concludes that there is moderate bat activity associated with the site boundaries. The Great Crested Newt and breeding bird surveys did not observe any evidence of species/nesting territories on the site. The reptile survey identified a small population of slow worms on the site, therefore an appropriate mitigation and enhancement strategy is proposed to ensure they are protected during construction. Appropriate reptile mitigation measures are also proposed including translocations to suitable areas on site and three reptile hibernacula.

A number of ecological mitigation and enhancement measures are also proposed including new native shrub species, native hedgerows, a wildflower grassland, removal of non-native vegetation and planting within the SUDs attenuation pond. The ADC Ecological Officer supports the proposals subject to conditions to secure implementation of the mitigation and enhancement measures, a biodiversity CEMP, a biodiversity enhancement strategy and a wildlife sensitive lighting scheme. The current BNG

requirements do not apply to this application as it was submitted before 12 February 2024.

The proposed development is therefore considered acceptable in terms of impact on trees and biodiversity, in accordance with ALP Policies ENV SP1 and ENV DM4 and KPNP Policy 4.

#### **LOSS OF AGRICULTURAL LAND**

ALP policy SO DM1 and KPNP Policy 6 state that unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect land in the long term. Grades 1, 2 and 3a are considered to be Best and Most Versatile (BMV) land.

The site forms a section of an arable field which would be removed as a result of the proposed development. The retained section would be retained as an arable field.

The application is supported by an Agricultural Assessment which concludes that the land is Grade 1 and is therefore excellent quality agricultural land. The application proposes a residential use of the site and would not include any agricultural, horticultural or forestry uses and is therefore contrary to policy SO DM1. The report concludes that the site would not be appropriate for horticultural uses given the close proximity to residential dwellings and the size of the site would restrict its usage. The report also states that the loss of the small section of land would be minimal in the overall supply within the area, would not be of more than local significance, and would not affect the viability of the farming business in the long term.

As the application does result in the loss of Grade 1 agricultural land, which will need to be weighed in the balance, it is important to note that that Arun has a high proportion of BMV land with Grades 1 and 2, representing around 40% of agricultural land in the district and Grade 3a a further nearly 30%. Any development outside of the existing built-up areas is therefore more than likely to contain some land of at least medium through to excellent quality. Most of the Local Plan strategic allocations contain 50% or more BMV land. Nonetheless, while the proposal is contrary to SO DM1 this policy only carries moderate weight in light of the Council's HLS position.

Policy SO DM1 (e) requires demonstration that site appraisal documents have considered the Department for Environment, Food & Rural Affairs (DEFRA)'s Soil Strategy for England, (f) that the productivity of the land is demonstrated using a methodology for assessing gross margins and (g) a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a productive Green Environment following development. The proposal submitted does not meet these requirements and is in conflict with policy SO DM1 of the ALP. However, a soil resource management plan could be secured through conditions should permission be granted.

When considering a similar issue in respect of the appeal for land to the north east of the application site (A/168/21/PL), it is relevant to note the Inspector concluded that the proposal would have an adverse effect on the provision of agricultural land in the District and failed to accord with ALP Policy SO DM1, as a sustainability and options appraisal had not been submitted as required by the Policy to demonstrate that the need for the development outweighed the need to protect such land in the long term. However, in the overall planning balance, the appeal Inspector gave this conflict only moderate weight, that was not sufficient to significantly and demonstrably outweigh the benefits afforded by the development.

#### **DRAINAGE/FLOODING**

The site is located within Flood Zone 1 (low probability of river or sea flooding) with a moderate risk of groundwater flooding. Arun Local Plan policy W DM2 seeks to limit development in areas at risk of flooding and 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.

KPNP Policy 5: Water requires development within areas at risk from flooding to be avoided unless specific measures are put in place and appropriate assessments are undertaken.

A Flood Risk Assessment has been submitted with the application which details a number of SuDs systems are to be incorporated into the development. Recommendations are made including appropriate consideration of floor levels and external level design to manage risk and direct water away from dwellings.

The LLFA raise no objection subject to conditions relating to details of the surface water drainage network, construction in accordance with the details within the FRA, an independent review of the SuDs system prior to occupation and details of maintenance and management of the SuDs system prior to occupation.

No comments have been received from Arun District Council's Drainage Engineers at the time of writing this report. On the previous application objections had been raised by the Council's Drainage Engineers and a reason for refusal was formed on the basis of insufficient information in relation to surface water drainage. The applicant has since submitted information with this application which addresses these issues, as set out in the submitted Sustainable Drainage Report (section 5.2). These changes include addition of a 3m easement to all identified drainage features, provision of a impermeable area plan, revised QBAR (runoff rate) calculations, consideration of infiltration which has subsequently been discounted for this site, and the detailing of ground uplift. Furthermore, given the LLFA have raised no objection, and the conditions require the submission and approval of detailed drainage information, it is considered that the application can be determined in the absence of the Drainage Engineers comments.

The details provided at this stage are sufficient to demonstrate that the development of the site will not increase flood risk elsewhere and that a workable surface water drainage strategy is available in accordance with policies W DM2 and W DM3 of the Arun Local Plan and KPNP policy 5. Nevertheless, as set out in the Consultation Responses section, the Council's Drainage Engineers have sought clarification from the LLFA as to the adequacy of the suggested drainage conditions. An update will be provided to Planning Committee of any further response received from the LLFA.

## **FOUL DRAINAGE**

ALP policy W DM1 states that all 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 also states that a drainage impact assessment is required for all major development.

Southern Water were consulted and have confirmed they can facilitate foul sewerage disposal to service the proposed development. They require a formal application for a connection to the public foul sewer to be made by the applicant or developer and have recommended a condition. The application submission states that a foul water sewer is available in Kingston Lane and a gravity connection is available. Further details could be secured via condition in the event of an approval to ensure that the development would accord with Policy W DM1 of the Arun Local Plan.



## ENERGY AND CLIMATE CHANGE

ALP 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.

An energy report has been submitted with the application which details that the dwellings would be supplied with air source heat pumps and would include water efficiency measures and have been designed to include high grade insulation, high-performing windows and doors, increased air tightness and maximising passive solar gains.

The applicant states that these measures would achieve a reduction in CO2 emissions of 75.85% over the baseline of Part L which would accord with policy ECC SP1 and ECC SP2. Sustainable measures would be secured via a suitably-worded planning condition.

## ARCHAEOLOGY

ALP Policy HER DM6 requires development within sites of archaeological interest to be supported by an archaeological assessment to demonstrate that there would be no harm to the interest of the site.

The application submission includes an archaeological report which confirms that the majority of the site does not contain any significant archaeology, however some evidence of Roman artefacts was discovered on the site. ADC's archaeology consultee has reviewed the assessment and raised no objection to the development subject to the inclusion of a condition to secure a programme of archaeological work.

## PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 4,043 sqm of Public Open Space (POS) and a separate play provision of an onsite, play area on site.

The ADC Open Space SPD advises that open space and play space should be located where they are on most value in accessible parts of the site avoiding conflict with busy roads and ideally not immediately adjacent to SUDs. Open spaces should be linked with paths and distributed evenly throughout the site, with larger areas located centrally. The SPD clarifies that public open spaces should not be located on areas without any purpose and that the inclusion of undesirable areas with no clear function to make up required number will not be supported. The Greenspace officers comment note that a Locally Equipped Area of Play (LEAP) would be required, and some concern is expressed about the layout and amount of the open space proposed.

The proposed site plan indicates that 5,036sqm of open space would be provided and while this is to the perimeter of the site adjacent to access roads, the space to the southwest corner is considered to be suitably located, open and accessible. Additionally, with the open space being located to the peripheries of the site, in this instance it would also provide an enhanced buffer between the built form and open countryside beyond the boundaries of the site. A LEAP is required for the site. While this is not identified on the site plan, there is suitable space for this to be provided and the applicant has confirmed they intend to meet this requirement. In this instance a condition could be used to secure a plan to be provided and approved showing the location, type and size of the play equipment. The applicant has agreed to head of terms for the play space to be secured through the s106 agreement.

As set out above, the open space would have a clear function, would be usable, accessible and appear as an integrated part of the site layout. The proposals are therefore in accordance with ALP policy OSR DM1.

## **SUPPORTING INFRASTRUCTURE**

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contribution 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.

The proposed development would be required to make a CIL contribution towards local schools, libraries, sports facilities and allotments as set out in the Open Space SPD, and the local health service. The development site is located in Zone 5 of the Arun CIL Charging Schedule Zone Maps and would therefore be liable to pay CIL at £114.07 per square metre of net additional floorspace.

WSCC as the Local Education Authority have objected to the application as there are not sufficient spaces within secondary schools within the area to accommodate new pupils. As an interim solution, WSCC require transport contributions to cover costs to transport pupils from Arun District to alternative secondary schools within West Sussex which cannot be covered by CIL payments. The applicant has agreed to enter into a s106 agreement to secure the appropriate Education Transport Contributions. Policy-compliant affordable housing and open space will also be secured via the s106 agreement

The application would, therefore, accord with ALP policy ALP INF SP1.

## **SUMMARY & 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), paragraph 11(d) of the NPPF and the application of the 'presumption' in favour of 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, the settlement gap (in part); loss of agricultural land; 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 a policy-compliant level of affordable housing), the creation/retention of construction jobs, spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements.

Given the lack of a 5 year HLS the weight to be applied to the contribution of housing development to the HLS is significant weight. Similarly significant weight should be given 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.

Moderate weight can be applied to the conflicts with policies with regard to location of development and loss of agricultural land, and limited weight to the impacts on the character and appearance of the area.

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 to justify refusal.

**RECOMMENDATION:**

The recommendation is for the Planning Committee to delegate to the Group Head of Planning, in consultation with the Chairman or Vice Chairman, 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 confirmation from the Council's Drainage Engineers on the adequacy of the surface water drainage conditions, and 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.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**CIL DETAILS**

This 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:

Location plan LP.01C  
Location plan with vis splays LP.02C  
Site layout SL.01G  
Colour Site Layout CSL.01G  
Colour Streetscene Elevations CSE.01E  
Affordable Housing layout AHL.01E  
Boundary Materials layout BML.01E  
Dwelling materials layout DML.01E  
Parking strategy layout PSL.01E  
Refuse strategy layout RSL.01E  
Bin and cycle store BBS.01.peA  
Car port type 1 CP.01.peA  
Car port type 2 CP.02.peA  
Substation ESS.01.peA  
Sales garage SGAR.01.peA  
Sheds SH.01.peA  
Landscape General Arrangement 2368-TF-XX-00-DR-L-1001PO9

PLOTS 1-6 (1B2PWCX2, 1B2PAX4) GROUND FLOOR PLAN SHEET 1 OF 2 P.1-6.p1 REVB  
PLOTS 1-6 (1B2PWCX2), 1BW2PAX4) FIRST FLOOR PLAN SHEET 2 OF 2 P.1-6.p2 REVB  
PLOTS 1-6 (1B2PWCX2, 1B2PAX4) ELEVATIONS SHEET 2 OF 2 P.1-6.e1 REVA  
PLOTS 1-6 (1B2PWCX2, 1BWPAX4) ELEVATIONS SHEET 2 OF 2 P.1-6.e2 REVB  
PLOTS 7-10 (HT.L401; HT.301) ELEVATIONS P.7-10.e REVB  
PLOTS 7-10 (HT.401; HT.301) FIRST FLOOR PLAN SHEET 2 OF 2 P.7-10.p2 REVB  
PLOTS 7-10 (HT.401; HT.301) GROUND FLOOR PLAN SHEET 1 OF 2 P.7-10.p1 REVB  
PLOTS AS 11-12, 13-14 HT304 F(2BLOCK) M4(2) ELEVATIONS HT304(2BLK)\_M4(2)-1.e REVA  
PLOTS AS 11-12, 13-14 HT304(2BLOCK) M4(2) GROUND AND FIRST FLOOR PLANS OPTION 1 T304(2BLK)\_M4(2)-1.p REVA  
PLOTS 15-18 (HT.203) GROUND FLOOR PLAN SHEET 1 OF 2 P15-18.p1 REVB  
PLOTS 15-18 (HT.203) FIRST FLOOR PLAN SHEET 2 OF 2 P15-18.p2 REVB  
PLOTS 15-18 (HT.203) ELEVATIONS P.15-18.e REVC  
PLOTS AS 19-20 HT307 (2 BLOCK) ELEVATIONS HT307(2BLK).e REVB  
PLOTS AS 19-20 HT307(2BLOCK) GROUND, FIRST AND SECOND FLOOR PLANS HT307(2BLK).p REVB  
PLOTS AS 21.22.28.30.31 HT402 GROUND AND FIRST FLOOR PLANS HT.402.p REVC  
PLOTS AS 21,30 HT402 ELEVATIONS OPTION 1 HT402-1.e REVC  
PLOT AS 22 HT402 ELEVATIONS OPTION 2 HT402-2.e REVB

PLOTS AS 24-25,26-27 HT403(2BLOCK) M4(2) GROUND, FIRST AND SECOND FLOOR PLANS HT403(2BLK)\_M4(2).p REVA  
PLOTS AS 24-25 HT403(2BLOCK) M4(2) ELEVATIONS OPTION 2 HT4.3(2BLK)\_M4(2)-2.e REVA  
PLOTS AS 26-27 HT403(2BLOCK)M4(2) ELEVATIONS OPTION 2 HT403(2BLK)\_M4(2)-1.e REVA  
PLOTS AS 28,31 HT402 ELEVATIONS OPTION 3 HT402.3.e REVC  
PLOTS AS 32, 47, HANDED 29 HT 306 M4(2) ELEVATIONS HT306\_M4(2).e REVA  
PLOTS AS 32, HANDED 47 HT306 M4(2) GROUND AND FIRST FLOOR PLANS HT306 M4(2).p REVA  
PLOTS AS 33,HANDED 23 HT309 M4(2) ELEVATIONS HT309\_M4(2).e REVA  
PLOTS AS 33,HANDED 23 HT309 M4(2) GROUND AND FIRST FLOOR PLANS HT309\_M4(2).p REVA  
PLOTS AS 34-35 HT204(2BLOCK)ELEVATIONS HT204(2BLK).e REVB  
PLOTS AS 34-35 HT204(2BLOCK) GROUND AND FIRST FLOOR PLANS HT204(2BLK).p.REVB  
PLOTS AS 36-37 HT203(2BLOCK) ELEVATIONS HT203(2BLK).e REVB  
PLOTS AS 36-37 HT203(2BLOCK) GROUND AND FIRST FLOOR PLANS HT203(2BLK).p REVB  
PLOTS AS 38-39 HT202(2BLOCK) ELEVATIONS OPTION 2 HT202(2BLK)-2.e REVB  
PLOTS AS 38-39, 40-41 (2 BLOCK) GROUND AND FIRST FLOOR PLANS HT202(2BLK) .p REVB  
PLOTS 40-41 AS HT202(2BLOCK) ELEVATIONS OPTION 1 HT202(2BLK)-1.e REVB  
PLOTS 42-43 JT304 (2BLOCK) M4 (2) ELEVATIONS OPTION 2 HT.304(2BLK)\_M4(2)\_2.e REVA  
PLOT 42-43 HT304(2BLOCK) M4(2) GROUND AND FIRST FLOOR PLANS OPTION 2 HT.304(2BLK)\_M4(2)\_2.p REVA  
PLOTS 44-46 (HT.301/HT.202) ELEVATIONS P.44-46.e REVB  
PLOTS 44-46 (HT.301/HT.202) GROUND AND FIRST FLOOR PLANS P.44-16.p REVA

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D SP1 and D DM1of 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, roofs, doors and windows 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, and D DM1 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 any works commencing, an air quality assessment must be submitted to and approved in writing by the Local Planning Authority. The applicant must follow the Air Quality and Emissions Mitigation Guidance for Sussex (2020): [www.sussex-](http://www.sussex-)

air.net/Reports/SussexAQGuidanceV.12020.pdf. The assessment shall include full details of the measures necessary to mitigate the emissions calculated by the assessment.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE SP1 and QE DM3. It is necessary for this to be a pre-commencement condition because all aspects of the development from commencement will contribute to air quality.

- 6 No part of the development or premises shall be first used unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value as identified in the emissions mitigation assessment, contained in the submitted Air Quality Impact Assessment/Environmental Statement.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE SP1 and QE DM3.

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

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

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

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

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 8 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further

development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 9 Prior to the first use of the electricity substation, an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed substation is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

The electricity substation equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant, no new plant shall be used without the written consent of the Local Planning Authority.

The following link provides information/guidance: Planning Noise Advice Document - Sussex, September 2021 <https://www.arun.gov.uk/supplementary-planning-documents-spds>

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031

- 10 Prior to above ground works details showing the proposed location and number of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrant in the approved location to BS 750 standards or stored water supply shall be installed prior to occupation of any dwelling.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP 1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 11 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: MW.2211.KLEP.AIA rev B. 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.

- 12 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.

- 13 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).



- A dust management plan produced in accordance with the Institute of Air Quality Management (IAQM) 'Assessment of dust from demolition and construction (2014).
- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts 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.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.
- Containment, control and removal of any Invasive non-native species present on site.

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.

- 14 No dwelling shall be occupied until the approved cycle storage sheds associated with that dwelling has 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.

- 15 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.

- 16 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan, once approved, shall thereafter be implemented as specified within the approved document.

The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 17 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.

- 18 Prior to commencement of development a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the Local Planning Authority which provides a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor. The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and policies ENV SP1 and ENV DM5 of the Arun Local Plan.

- 19 Prior to above ground works a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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 LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

20 Prior to the new development being first occupied, a scheme for monitoring the effectiveness of the biodiversity mitigation and enhancement measures shall be submitted to and approved by the Local Planning Authority. This shall include:

To include: annual protected species surveys of created and retained receptor habitats, bird surveys of created and retained habitats, use of bird or bat boxes. The monitoring shall be carried out and reported to the Local Planning Authority in accordance with the agreed scheme for a period of 30 years. Surveys should be undertaken in years 1, 3, 5, 7, 10, 15, 20, 25 and 30. Species results will be submitted to the West Sussex Records Centre,

Reason: To comply with the Biodiversity Net Gain requirements of the Environment Act 2021. To measure the effectiveness of biodiversity mitigation and/or enhancement measures, to see whether the measures achieve the expected biodiversity benefits.

21 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).

22 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation 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).
- 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) and to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: ENV SP1 and ENV DM5 of the Arun Local Plan.

- 23 Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. No less than 20 bat tubes, bricks or boxes shall be provided, and the details shall include the exact location, specification and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: GI SP1, ENV SP1 and ENV DM5 of the Arun Local Plan.

- 24 Details of integral nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 20 Swift nesting bricks shall be provided and the details shall include the exact location, specification and design of the bricks. The bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The Swift nesting bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: GI SP1, ENV SP1 and ENV DM5 of the Arun Local Plan.

- 25 Details of Bee bricks and/or invertebrate hotels shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. No less than 12 Bee bricks and/or invertebrate hotels shall be provided and the details shall include the exact location, specification and design of the habitats. Bee bricks and/or invertebrate

hotels shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The Bee bricks and/or invertebrate hotels shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: GI SP1, ENV SP1 and ENV DM5 of the Arun Local Plan.

- 26 None of the dwellings shall be occupied unless and until full details of the public open space (POS) and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 10th dwelling and permanently retained thereafter. The approved details shall then be permanently adhered to.

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

- 27 None of the dwellings shall be occupied unless and until full details of the public play provision and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The play provision shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 10th dwelling and permanently retained thereafter. The approved details shall then be permanently adhered to.

Reason: To ensure that play provision is in place for residents and that a management regime is established in accordance with Arun Local Plan policy OSR DM1.

- 28 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 29 Prior to the commencement of development, construction 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 by Pell Frischmann, 13.10.2023, revision P02 and Sustainable Drainage Report by Pell Frischmann, 07/12/2023, revision P04 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. This must be informed by further groundwater monitoring and infiltration testing in accordance with BRE Digest 365. Further surveys of the existing drainage system (watercourses and surface water sewers) must be completed to aid with detailed design. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy W DM2 Flood Risk in the Arun Local Plan

- 30 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 13.10.2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy W DM2 Flood Risk in the Arun Local Plan

- 31 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy W DM2 Flood Risk in the Arun Local Plan

- 32 The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- III. a Management and Maintenance Plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and W DM2 Flood Risk in the Arun Local Plan

- 33 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

34       INFORMATIVE: Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Arun District Council. It is advised to discuss proposals for any works at an early stage of proposals.

35       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

36       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.

37       INFORMATIVE: Investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Southern Water (SW) can also facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit Southern Water's 'Get Connected' service: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read the New Connections Charging Arrangements documents which are available to read on SW's website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](https://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

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

**K/46/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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