

PLANNING APPLICATION REPORT

REF NO:	WA/74/24/OUT
LOCATION:	Land off Arundel Road Fontwell
PROPOSAL:	Outline application with all matters reserved, other than access, for the erection of up to 56 No. residential dwellings including affordable housing and a stand-alone community building. This application may affect the setting of a listed building and may affect a public right of way.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>Although layout is a reserved matter, an illustrative layout and some street scenes have been provided which indicate new residential dwellings including two and half storey houses together with parking, roads, footpaths, play areas, open space, landscaping, and drainage features. A new community childcare building is indicated in the south-east corner. The existing trees and hedging to the boundaries are shown to be retained and new trees are shown within the layout.</p> <p>The application proposes to take vehicular access from Arundel Road almost opposite Richmond House. This will take the form of a priority junction with a carriageway width of 5.5m and 1.8m footways on each side. Two uncontrolled pedestrian (tactile paved) crossing points are shown on either side of the access to allow pedestrians to cross onto the southern side of Arundel Road. The layout shows a pedestrian access point at the south-west corner close to the existing public footpath. Additional links to the same footpath are indicated on the western side of the layout.</p>
SITE AREA	2.74 hectares
RESIDENTIAL DEVELOPMENT DENSITY	Up to 20.4 dwellings per hectare.
TOPOGRAPHY	Appears flat. The topographical survey shows the land is higher on the eastern edge, particularly the northern corner.
TREES	All trees are to the site boundaries, predominantly the southern edge where a TPO has been placed on a number of trees including three Oaks, one Beech and a group of Maple trees. The proposed access has been sited so as to avoid the TPO trees.
BOUNDARY TREATMENT	All boundaries are hedged but there is also a mix of fencing comprising post & wire, barbed wire and wire mesh.
SITE CHARACTERISTICS	Grassed field with vegetated boundaries. The site red edge includes the public footpath on the western edge and also an

**CHARACTER OF LOCALITY**

electric substation beyond the path. There are existing accesses to the site at the south-west and south-east corners.

Edge of settlement location but with houses to the west (beyond the footpath), and the south (beyond Arundel Road). The eastern edge of the site borders the A27 dual carriageway. There is westbound access/egress to/from the A27 close to the south-eastern corner of the site and there is a roundabout junction close to the north-western corner.

**RELEVANT SITE HISTORY**

WA/58/23/S73	Application under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 - approved plans following grant of WA/80/22/PL.	ApproveConditionally 25-10-23
WA/80/22/PL	Demolition of 8 No existing buildings and redevelopment of garden land with 10 no. bungalows, amended access, landscaping and associated works. This application may affect the setting of a listed building and is in CIL Zone 2 and is CIL Liable as new dwellings.	ApproveConditionally 24-02-23

Historical aerial imagery indicates that the site was formerly used for animal grazing and that there were a group of farm buildings in the south-eastern corner (these were removed some time before 2015).

WA/80/22/PL is relevant since it lies adjacent to the western edge of the site. It allowed for demolition of 8 buildings and redevelopment of the garden land with 10 no. bungalows, an amended access, landscaping, and associated works. This permission has been amended by WA/58/23/S73 and has commenced. This application was subject to a pre-application enquiry in 2023 concerning a proposal for 65 homes..

**REPRESENTATIONS**

Walberton Parish Council advise no objection in principle due to the Neighbourhood Plan allocation but advise this is conditional on the following:

- A reduction in density as the proposal is for a significantly greater number of dwellings than the policy.
- The community facility being built not just provided as land.
- A Grampian condition being applied to prevent occupation until the sewerage infrastructure and facilities have been adequately upgraded.
- Noise Exposure Assessments and Air Quality Assessments must be conditioned in view of the proximity to the A27.
- A Grampian condition being applied to prevent occupation until adequate parish school provision and healthcare provision can be demonstrated; and
- S106 or conditions be used to secure a safe path crossing over the nearby A27 roundabout junction at the northern end of the public footpath. However, such safe pedestrian crossing should not restrict the flow of traffic as this would increase local pollution.

Barnham and Eastergate Parish Council request a Grampian condition be applied to prevent occupation until the sewerage infrastructure and facilities have been adequately upgraded. They also raise concern about noise and air pollution from the A27.

In addition, as of 18 December 2024, twenty-six letters of objection raising the following concerns:

- Conflicts with the development plan policies.
- Conflict with para 14 of the NPPF.
- Overdevelopment of the site.
- Harm to local landscape character.
- Development on green space.
- No need for a new community facility but childcare is needed.
- Increased traffic and associated safety concerns.
- Need speed ramps along Arundel Road to reduce traffic speeds.
- Risk of vehicles leaving the A27 and crashing into the community building.
- Need for a safe crossing of the A27.
- The footpath should not be moved.
- Harm to users of the footpath.
- Lack of nearby shops.
- Inadequate existing infrastructure in place to support new homes.
- Inadequate foul sewage infrastructure.
- Increased surface water flooding.
- Arundel Road surface water sewer already at capacity.
- High risk of groundwater flooding.
- Harm to existing aquifers.
- Harm to a listed building.
- New street lighting would be inappropriate in this location.
- Harm to biodiversity.
- Potential for removal of existing hedges.
- Increased noise and air pollution; and
- Safety implications of siting a community facility next to a drainage feature.

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

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

- Walberton Neighbourhood Development Plan (WNDP) policy HP18 2020 simply states that "Provision of community childcare facilities in line with Policy CL9 2020 will be encouraged". It does not state this is a requirement and it does not specify that a built facility has to be provided.
- The only way to provide a crossing of the A27 that does not restrict the flow of traffic would be via a bridge or underpass both of which would be prohibitively expensive, unnecessary, and visually undesirable. Policy HP18 2020 does not list this as a requirement and Policy GA2 (Footpath Bridleway and Cycle Path Network) also does not identify this as a priority.
- The WNDP has allocated this site for development. Therefore it has been accepted that there will be a loss of green space, some harm to landscape character and a change to the current environment of the footpath. In addition, WSCC have requested that the application widen and re-surface the footpath.
- The application states that the community building will provide for childcare facilities as per the Policy.
- There are already speed humps on Arundel Road between its junctions with West Walberton Lane and the A29. WSCC have not advised of the need for additional traffic calming measures on Arundel Road or on other nearby roads. If this were necessary in the future, then CIL monies could be used to secure this.
- Notwithstanding that the current layout drawing is indicative only (i.e. not to be approved at this time), there is 10-12m between the edge of the carriageway and the side wall of the building with a wide hedge

in between. The risk is therefore low.

- There are no plans to move the footpath.
- It is acknowledged that there is only a wine shop and a petrol station shop in Fontwell village.
- The Strategic Flood Risk Assessment (SFRA) maps indicate that groundwater levels in the Fontwell area may be high however this does not necessarily mean that the site is prone to groundwater flooding.
- The current layout drawing is indicative only (i.e. not to be approved at this time). Should the community building end up adjacent to a drainage feature then this can be fenced off to prevent access.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to a condition to prevent the use of piled foundations and informatives relating to building waste.

NATURAL ENGLAND - no objection.

NATIONAL HIGHWAYS - no objection and do not request any conditions or infrastructure contributions.

SOUTHERN WATER - stated on 18/09/24: "Your consultation request needs to be progressed by our modelling team as the proposed development is for over 50 dwellings, we will send you our response within 21 calendar days". Southern Water were then chased on 10/10/24 and responded to say "Unfortunately the technical liaison team are currently experiencing a backlog of cases which they are working their way through as efficiently as possible." A further email was sent on 12/12/24 and they responded to state that they were sorry for the delay and they will upgrade this consultation to critical and make their manager aware.

SOUTH DOWNS NATIONAL PARK - due to the location approx. 0.5km south of the National Park (NP), there would be limited direct or indirect impact on the setting of the NP. No Landscape and Visual Impact Appraisal has been submitted with the application and Arun DC must be satisfied that the development will not have an adverse impact on the purposes of the National Park by way of visual impact. Additionally, they say the scheme is heavily reliant on existing planting for screening and recommend that this planting is strengthened as part of any landscape plan. Request a condition to secure a sensitive lighting scheme for the development and recommend seeking to improve connections through and from the site towards the National Park to assist new residents accessing it for recreation.

SUSSEX POLICE - no objection at this stage.

WSCC DRAINAGE - initially objected on the basis of insufficient information. The applicant has responded to the issues raised and is presently negotiating with WSCC in order to resolve the concerns.

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district. Also request that this development provides a contribution towards the new school.

WSCC WASTE & MINERALS - the site lies in a protected Sharp Sand & Gravels area. No objection subject to an incidental extraction condition.

WSCC HIGHWAYS - no objection subject to conditions to secure the access, a construction

management plan, and approval of a Travel Plan. State that this proposal has been subject to pre-application advice, a site visit, and a Stage 1 Road Safety Audit.

WSSC PUBLIC RIGHTS OF WAY (PRoW) - no objection subject to a condition to require that the applicant fund and carry out improvements to it in order to widen it to 2m and surface it to WSSC standards.

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

PORTSMOUTH WATER - no objection subject to conditions to prevent piled foundations, to control surface and foul water drainage, to protect against unexpected land contamination and secure a construction management plan. Also request that ADC seek to restrict water usage to a minimum standard of 100 litres per person per day.

ADC ECOLOGY - no objection subject to conditions to secure a construction ecological management plan, a biodiversity net gain ecological design, management and monitoring strategy report, and a biodiversity enhancement strategy. Notes the requirement for a Habitat Regulations Assessment. Following receipt of the final reptile survey, stated reptiles are not a constraint for this site.

ADC BIODIVERSITY NET GAIN (BNG) - states no objection to the BNG information. Requests the standard BNG condition and inclusion of BNG within the s106 legal agreement.

ADC TREE OFFICER - raises no objection and does not recommend any conditions. States whilst there will be some incursion of the Root Protection Area of Tree 13 (Ash) on its north and west aspects due to the vehicular access, the extent is tolerable and supports a logical exploitation of the site. Also comments on the proposed path widening stating the new surfacing materials should be self-compacting, permeable and avoid excavation near to any higher value trees.

ADC CONSERVATION OFFICER - raise no objection and states that the development will not impact the setting of the listed buildings identified by the Heritage Assessment and as a consequence, there is no harm to the overall significance of these heritage assets.

ADC LANDSCAPE - no landscape objection subject to a landscape scheme and provision of on-site play/open space. The potential impact on the location would require that additional landscaping be provided to enhance the existing boundaries. Objects to the indicated locations of play which would not appear beneficial to the whole development in location and particularly of concern is the siting of the south-eastern play area at the entrance to the site tucked away from view and surveillance and next to the potential infiltration basin hazard.

ADC HOUSING STRATEGY - need 30% affordable housing provision (17 based on 56 dwellings) comprising 67% affordable rented dwellings, 25% First Homes and 8% other intermediate ownership products providing a range of sizes and accommodation.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions to control construction hours, to protect against unexpected land contamination and to secure an air quality assessment. Also requests that an overheating assessment be undertaken at reserved matters stage.

COUNCIL's ARCHAEOLOGIST - no objection subject to a standard pre-commencement condition.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and conditions imposed except as discussed below:

**SOUTHERN WATER** - It is disappointing that Southern Water have not been able to make comments despite being consulted on 21 August 2024. It is not reasonable to delay determination of this application or recommend refusal due to the lack of comment. A residential developer has a right to connect to the existing sewerage system provided they pay Southern Water the new connections charge. These monies are then used to fund necessary offsite network improvements undertaken by Southern Water. Any comments will be reported to members by way of a report update. Notwithstanding, due to third party concerns with the ability of the foul sewer to cope with additional demand, a phased occupancy condition has been included within the recommendation to ensure that necessary upgrades take place before homes are occupied.

**SOUTH DOWNS NATIONAL PARK** - Given this is not a countryside site, there was no requirement for a Landscape and Visual Impact Appraisal. Conditions are included to secure additional landscaping/screening and a sensitive lighting scheme. There is no conflict with the Purpose 1 of the National Park (To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.) in respect of visual impact.

**WSCC DRAINAGE** - Any comments will be reported to members by way of a report update and any recommended conditions will be included in the recommendation at that time. Should the drainage not be resolved by the time of the committee then it may be necessary for officers to amend the recommendation to seek a deferral.

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

CIL contributions can be used to fund new school facilities, and the developer will be liable for such. WSCC raised similar concerns in respect of the recent land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making.

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution will be secured through the s106 agreement. However, it is not possible to secure a contribution towards the actual school as this application is liable for CIL.

**ADC LANDSCAPE** - The objections to the location of play are noted but layout is a reserved matter and is not to be agreed at this time, therefore this can be considered at a future time. However, for this reason, the submitted parameter plan (which shows the areas of open space) will not be included in the plans condition as an agreed drawing.

## **POLICY CONTEXT**

Designations applicable to site:

- Built Up Area Boundary (BUAB).
- CIL Zone 3.
- Archaeological Notification Area.

- Area of Advert Special Control.
- Within 12km of the Singleton and Cocking Tunnels Special Area of Conservation (SAC).
- TPO/WA/3/23.
- Public Right of Way (PRoW) on the western side (ref WAL/2825/1).
- Water Source Protection Zone.
- Current / Future Flood Zone 1.
- No known surface water flooding within the site.
- Sharp Sand and Gravel Minerals Safeguarding Area.
- HELAA ref FON3; and
- Likely Grade 3b Agricultural Land.

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

### Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Walberton Neighbourhood Plan Policy 2019-2031</u> <u>CL9</u>	Provision of community childcare facilities
Walberton Neighbourhood Plan Policy 2019-2031 GA2	Footpath Bridleway and Cycle Patch Network
Walberton Neighbourhood Plan Policy 2019-2031 GA5	Traffic Management

Walberton Neighbourhood Plan Policy 2019-2031 HP1	Built up boundary (BUAB)
Walberton Neighbourhood Plan Policy 2019-2031 HP6	Housing mix and construction
Walberton Neighbourhood Plan Policy 2019-2031 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2019-2031 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2019-2031 HP18	Fontwell Field (National Trust Field)
Walberton Neighbourhood Plan Policy 2019-2031 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2019-2031 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2019-2031 VE8	'Unlit village' status
Walberton Neighbourhood Plan Policy 2019-2031 7 VE10	Biodiversity Corridors

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Walberton Neighbourhood Development Plan (W NDP) was made in July 2021 and its policies are referred to in this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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



The proposal is broadly in accordance with the WNDP since it is an allocated site. It is noted that the policy allows for approximately 40 dwellings whereas this application seeks 56. Notwithstanding, the site is shown in the Arun Local Plan and the Neighbourhood Plan as within the BUAB.

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,
  - (a) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **BIODIVERSITY NET GAIN**

This application is liable for Biodiversity Net Gain (BNG) and the following on-site BNG is proposed:

- 24.24% Habitat units (2.28); and
- 143.04% Hedgerow units (2.47).

#### **CONCLUSIONS**

**PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP) and the WNDP 2019-2031.

Paragraph 11(d) of the NPPF sets out the presumption in favour of sustainable development which is to be applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Paragraph 14 serves to provide additional weight to Neighbourhood Plans in cases where para 11(d) is engaged) and does apply in this case as the WNDP is less than 5 years old and contains policies and allocations to meet its identified housing requirement.

The site is in the BUAB in the ALP & the WNDP and is specifically allocated for residential development by Policy HP18 2020 of the WNDP. On this basis, the residential development of this site is in accordance with the development plan (ALP policy SD SP1 & WNDP policy HP1 2020) and so, paragraph 11(c) of the NPPF would apply rather than 11(d). There is no need to consider para 14 as the proposal concerns one of the allocations referred to by the NPPF. Para 11(c) states development proposals that accord with an up-to-date development plan should be approved without delay.

WNDP Policy HP18 2020 sets a development quantum of approximately 40 and it cannot be argued that 56 dwellings meets this number so there is some conflict with the policy. There may also be conflict arising due to the policy requiring that sewerage reinforcement facilities be adequately upgraded prior to the completion and occupation of the development. This would be entirely dependent on Southern Water fulfilling their infrastructure upgrade requirements and so the application cannot be precise on the

timescales for upgrades. The proposal accords with the other criteria of the Policy in that there is provision for a new community childcare facility and a noise assessment has been provided.

In summary, the principle of the proposal is in accordance with the development plan and so para 11(c) of the NPPF applies. There is no need to consider the presumption in favour of sustainable development unless the proposals results in harm deriving from the application of other relevant policies.

### TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. WNDP policy GA2 indicates support for proposals which improve and extend the existing footpath network. Policy GA5 seeks to resist the increase in traffic through the village, particularly HGV movements.

Para 115 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios."

The application proposes a new vehicular access from Arundel Road a short distance (around 45m) west of the existing single-track access (which is to be closed). At pre-application stage, the applicant was proposing access from the western end as a fourth arm of the mini roundabout. WSCC Highways stated this would not be acceptable and the access was moved eastwards.

The new access takes the form of a priority junction with a carriageway width of 5.5m and 1.8m footways. The layout shows a pedestrian access point at the south-west corner close to the existing public footpath. Additional links to the same footpath are indicated on the western side of the layout. It is noted that the existing footpath is within the applicant's ownership and so WSCC Public Rights of Way have requested that the applicant widen and resurface the footpath. On this basis, the proposals gain support from policy GA2.

The comments of WSCC Highways are set out in full on the council's website and summarised elsewhere in this report. They have no objections to the location of the access, the traffic generation of any other safety aspects. It is material that National Highways raise no concerns with the impact on the A27 and do not request a financial contribution to junction improvements. On this basis there is no conflict with ALP policy T SP1, with WNDP policy GA5 or with the guidance in the NPPF.

As there are no details as to layout, size of the houses or the exact form of parking spaces, it is not appropriate to consider parking provision. Compliance with the Arun Parking Standards SPD will instead be determined at the reserved matters stage. This would include a requirement to ensure 5% of all spaces are suitable for disabled people.

### HERITAGE ASSETS:

There are no heritage assets within or immediately adjacent to the site. The closest heritage assets are

the Grade II Listed semi-detached dwellings ("5 Goodacres (West Gable)" and "Goodacres House") some 70m to the west. There is intervening development between the site and these houses comprising of the access to the Barnfield House development and Nos. 7 & 8 Goodacres.

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Para 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected. The Local Planning Authority must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is necessary to counterbalance 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 215).

The submission includes a Heritage Statement which identifies the South Gateway and Lodge of Slindon Park which is a listed building at Grade II (some 280m north-west of the site). The Council's Conservation Officer advises that the setting of The Goodacres, is from the curtilage (behind a wall and planting) of the road to the front of it. It is already surrounded by modern development which means that it is experienced in an urban context. There is no inter-visibility between the site and the listed building.

The South Gateway and Lodge of Slindon Park is also separated from the site by a large amount of modern development and the A27 so there is also no inter-visibility. The Conservation Officer concludes that there will be no harm to the overall significance of the heritage assets. As no harm is advised, it is not necessary to consider public benefits.

The proposal accords with the relevant development plan policies and also with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in that it does not directly affect any heritage assets and also has no impact on the setting of the nearby Listed Buildings.

#### ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted and one has been submitted.

This identifies predominantly low potential for archaeological finds but recommends a survey due to no previous surveys having been carried out on the site. This site is within a designated Archaeological Notification Area, but the council's Archaeologist raise no objection subject to a standard condition to secure further field work. On this basis, the application generates no conflict with policy HER DM6.

#### MINERALS SAFEGUARDING:

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

The applicant has provided a mineral resource assessment which concludes that the site, being an

isolated, 2.7ha area of land away from existing mineral extraction operations, would not be suitable for prior extraction as a result of the limited economic viability of the resource. In addition, the assessment states the existing residential receptors around the application site would restrict the temporary extraction of the mineral resource owing to the potential impacts on residential amenity that would arise.

The proposal would comply with criteria (iii) of the policy as there is an overriding need for residential land to contribute to the current HLS deficit - and this is allocated for development. A condition could however be imposed to require extraction of minerals uncovered during redevelopment.

#### LANDSCAPE, CHARACTER & DENSITY:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. WNDP Policy HP13 states new development must be high quality and contribute to local character by creating a sense of place appropriate to its location. Policy HP11 seeks to ensure density is appropriate to its location by virtue of size, siting, and relationship to existing properties.

Section G of the Arun Design Guide (ADG) suggests a density of 15-25 for detached/semi-detached houses, 20-30 for terraced houses and 30-50 for flats all in village locations. The ADG also states density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The illustrative layout plan shows a mix of detached, semi-detached, and terraced housing also with one flatted building.

The density is a maximum of 20.4 dwellings per hectare (dph) and this is within the range set by the ADG. Had a lower quantum been proposed more in line with the WNDP policy then the density would not be in accordance with the ADG (i.e. 40 dwellings would give an overall density of 14.59dph). Notwithstanding, it is material that permission is applied for up to 56 dwellings (and a community building) and so the Local Planning Authority would be able to seek a lower number of dwellings at reserved matters stage should this be required following assessment against the detailed design policies. In addition, the inclusion of flats in the mix is not being agreed by this outline application.

The application is outline and does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests the site layout will retain and enhance the existing boundaries thus limiting the visibility of the development outside the site (with the exceptions being from the site access, pedestrian access in the south-west corner or from the western footpath). Given this is not a countryside site, it was not necessary to provide a Landscape and Visual Impact Assessment.

Although the development will result in some visual change to the character of the eastern edge of Fontwell, this change needs to be considered alongside the requirement for more housing across the district and the fact that this site has been allocated for development. In addition, the site is clearly defined by the A27 to the north and east which prevents it from being connected to the wider countryside. It is a logical site for the expansion of Fontwell to help meet future needs. It is also material that the council's Landscape Officer raises no objections on grounds of landscape impact.

Therefore, the proposal is acceptable in respect to density, landscape & character and there is no conflict with the relevant development plan policies.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land.

ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and interface distances between houses.

It would be appropriate to ensure the proposed (up to) 56 homes (and community building) could be achieved without giving rise to harm to existing residential properties. In this case, the nearest properties are those on the southern side of Arundel Road plus those to the west. The latter includes the new dwellings at Barnfield House (which are shown on the illustrative layout plan) and those of Furlong Close in the north-west corner. The illustrative layout has been checked and all distances to those houses that are existing or presently being built exceed the ADG standards. The existing tree planting to the boundaries will also assist with limiting views in and out of the site.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

### AIR POLLUTION:

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

As set out elsewhere, the scheme proposes to improve the public footpath and provide new links from the site to it. The site is in an accessible location in the BUAB in walking distance of a shop and bus stops. The reserved matters application will secure the implementation of sufficient EVCP and cycle storage facilities which will further promote the use of non-car means of travel/reduced vehicle emissions. The provision of high-speed broadband will allow for homeworking.

The Policy states a formal air quality assessment is only required for development nearby a designated Air Quality Management Area (AQMA) and there are none of these in Arun or the SDNP. The Environmental Health Officer (EHO) requested a condition to secure one. This is on the basis of the Air Quality and Emissions Mitigation Guidance for Sussex (2020) which is a newer document than the ALP and which states one is required for all major developments.

For the reason set out above, the proposal complies with the relevant development plan policy.

### NOISE POLLUTION:

Policy QE DM1 states that residential development likely to experience road or rail noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future. The application is accompanied by a Noise Assessment which concludes that:

- The worst-case sound reduction index for a bedroom on the noisiest facade is 27dB and 26dB for a living room, on the noisiest eastern facade of plot 51/52 which will directly overlook the A27.
- It is possible to place bedrooms on the noisier facade with passive through frame/through wall vents and standard thermal double glazing.
- An initial site risk assessment for the site, consistent with the approach in proPG2017 for the worst-case plot (51/52) indicates a low to medium risk for the East facade and a negligible risk for the Western facade.
- External amenity areas for the properties have been assessed and are below 55dB LAeq,16 hour thus satisfying requirements.

- Openable windows are achievable for the majority of the site. For the plots in close proximity to the A27, the facades which overlook the road traffic noise will unlikely permit openable windows. Openable windows will be provided on other elevations and alternative passive ventilation schemes will be utilised.

The councils EHO indicates a concern that the ventilation strategy using trickle vents may not be sufficient to prevent overheating in the properties on the east side. The report suggests the strategy might employ the use of plenum windows (these have two separately opening panes) as innovative facade design to further demonstrate "good acoustic design", allowing future occupants the benefit of open windows". The EHO states this would be acceptable and would remove the concern. Should standard double-glazed windows be used a condition is needed to ensure an overheating assessment is provided at reserved matters.

On the basis that the overheating assessment condition is imposed, there is no conflict with the policy.

### LIGHT POLLUTION:

ALP Policy QE DM2 sets out restrictions and conditions on new lighting proposals. WNDP policy VE8 states that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use.

The submission is silent on the provision of lighting, but this is understandable and acceptable given the outline nature of the application. A condition could be imposed to either require the approval of lighting at the reserved matters stage or post permission. Such a condition could be worded to ensure lighting does not spread onto adjacent land and is sensitive to bats/other wildlife using the planted areas of the site. On this basis, there is no conflict with the policy and this accords with the request from the National Park Authority.

### FLOODING AND DRAINAGE:

ALP policy W DM2 requires that proposals in areas at risk of flooding provide a Flood Risk Assessment (FRA), meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere. Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development.

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. There are no known instances of surface water flooding in the site. The submission includes a Flood Risk Assessment and Drainage Strategy (FRA) which determines that the development site is not at risk of any form of flooding.

In terms of drainage, it states that the areas of hardstanding will be constructed as a lined porous pavement with any roof areas draining directly into them. Flows from each porous pavement will be controlled via small diameter orifices to the adjacent porous pavement or to a proposed lined swale. The swale will discharge into an infiltration basin located in the southeast corner of the site. There are no current plans to drain to a watercourse or existing sewer. As set out elsewhere, drainage is presently being discussed with WSCC Drainage and there is no agreed position at this time. Provided that WSCC are able to lift their objection then the proposal will be accordance with the relevant policies.

### FOUL DRAINAGE:

ALP policy W DM1 states that there must either be adequate drainage capacity or that it can be provided

prior to the occupation of the development. The submission currently states that foul drainage from the development will be removed via a system of gravity sewers discharging into the existing foul sewer located in Arundel Road. Southern Water have not yet provided any consultation advice but due to third party concerns with the ability of the foul sewer to cope with additional demand, a phased occupancy condition has been included within the recommendation to ensure that necessary upgrades take place before homes are occupied.

A residential developer has a right to connect to the existing sewerage system with any offsite network improvements undertaken by Southern Water using revenue they collect from by their Infrastructure Charging Scheme. For the above reasons, there is no conflict with ALP policy W DM1.

### WATER POLLUTION:

ALP policies W SP1 and W DM1 seek to protect existing water supplies. The site is in a designated Water Source Protection Zone meaning there are aquifers in this area which hold drinking water. Neither the EA nor Portsmouth Water object provided conditions are imposed to ensure foundations are not piled. They request they be involved in the discharge of conditions relating to foul drainage, surface water drainage and construction management. Portsmouth Water request a condition to restrict water usage. Provided these conditions are imposed there would be no conflict with the policies.

### BIODIVERSITY & BIODIVERSITY NET GAIN (BNG):

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. WNDP policy VE10 2020 states proposals will not be supported where there is evidence that the proposals would significantly harm biodiversity. It also advises that where proposals will have an impact on biodiversity rich habitats, a management plan shall be provided.

The site is in the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC) and policy VE10 states development within the buffer should evaluate the potential loss of suitable foraging habitat and/or severance of commuting flight-lines. Such features should be preserved where it is demonstrated they are used by barbastelle bats.

The application is accompanied by an Ecological Assessment (EA), Ecological Assessment Addendum Report - Reptile Surveys (EAA), Biodiversity Net Gain (BNG) Report, and a Shadow Habitat Regulations Assessment (sHRA). The EA and EAA reports state:

- No evidence of badger activity was found at the site.
- No reptiles were recorded during the survey.
- No evidence of bat roosts were found.
- Common pipistrelle, Soprano pipistrelle and Noctule bats were observed by the surveys.
- The potential for dormouse to be present is negligible.
- There are no waterbodies within the site or in the immediate vicinity.
- The semi-improved grassland within the site is deemed to be of low to moderate "Site value" at best.
- The mature hedgerow and linear belts of trees around the periphery of the site offer some biodiversity value and contribute to the overall ecological permeability of the Site. As such, they are assessed as being of "Local value".
- The bat population would be assessed as being of "Local value" only.

The report recommends mitigation measures including habitat creation and management.

The sHRA was commissioned to determine any likely significant effects of the residential development on the SAC and its qualifying features. It states the site does not form part of any known flight lines for

the Barbastelle species, that no records of barbastelle have been recorded within the site, that the boundary hedgerows will be retained and re-enforced as a result of the proposal and that the existing residential development already present to the west forms an existing barrier to bat movement. It concludes that potential impacts on the SAC and its qualifying features can be screened out; hence, there is no requirement to undertake an Appropriate Assessment.

Arun DC have used the supporting information to produce a screening report as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concludes there are no likely significant effects on/no adverse effect on the integrity of the Singleton & Cocking Tunnels SAC. Natural England no longer provide consultation advice on HRA screening reports or Appropriate Assessments unless the proposal is of a significant scale which this is not.

The BNG proposals will secure on-site gain of 24.24% in habitat (2.28 units) and 143.04% in hedgerows (2.47 units). This exceeds the requirements. This includes a 640m<sup>2</sup> ecological enhancement zone in the northern corner of the site. The council's Ecologist has comprehensively assessed the proposals and states no objection subject to mitigation and enhancement measures being secured. There is no conflict with policy.

### TREES:

Policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. WNDP policy VE3 refers to the need to protect trees.

All trees are to the site boundaries, predominantly the southern edge where a TPO has been placed on a number of trees. The proposed access has been sited so as to avoid the TPO trees but will result in the removal of a group of Blackthorn. Some gaps will also need to be created in the western mixed hedge to facilitate new accesses onto the public footpath. In addition, WSCC state that in order to widen the footpath, some light clearance and overhead pruning will be required. A condition is included to secure details of the path widening prior to occupation of the site.

The Blackthorn trees to be removed are low quality (category C). The hedgerow on the west boundary is category B and noted as being ecologically important. The creation of three small gaps will not compromise its integrity or overall value whilst these will have significant benefits to site connectivity and wellbeing. A condition will be imposed to ensure the reserved matters scheme delivers two new trees for each one lost plus new hedgerow which will more than compensate for the losses.

The council's tree officer has not raised any objections at this stage but will comment further on the reserved matters application when the layout is known. There is no conflict with the relevant policies.

### CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. The planning statement includes a section on "Energy and Sustainability" which details various measures, but conditions will be imposed regardless to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This will ensure compliance with the relevant policies.



**AFFORDABLE HOUSING:**

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council's interim affordable housing policy also sets out the need to secure first homes as part of the affordable housing mix. The council's Affordable Housing Manager advised that the required affordable housing provision is 17 dwellings and that the mix should comprise of 67% affordable rented, 25% First Homes & 8% Intermediate. It is noted that the new NPPF no longer contains a mandatory requirement for First Homes however, it is still possible to request these where there is a local need. The affordable housing will be secured by a s106 legal agreement, and this will ensure compliance with the policy.

**PUBLIC OPEN SPACE & PLAY:**

ALP policy OSR DM1 states housing developments must provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement (based on 56 homes) for 4,620m<sup>2</sup> of Public Open Space (POS) including 678m<sup>2</sup> of play provision comprising of a mix of on-site Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP). The application states that the illustrative scheme will deliver a total of 0.95 hectares of green space comprising 8,947m<sup>2</sup> of POS with provision of footpaths and play spaces. On the basis that on-site POS and play would be secured by conditions, there would be no conflict with ALP policy OSR DM1.

**OTHER DEVELOPER CONTRIBUTIONS:**

ALP policy INF SP1 requires proposals provide or contribute towards infrastructure & services needed to support development to meet the needs of future occupiers and existing community. This development would be liable for CIL and infrastructure providers such as WSCC and the NHS would be able to bid for a portion of the CIL payments collected to spend on their projects. The Parish Council will be provided with a percentage of the CIL receipts (25%) for their own purposes. These payments go towards providing the infrastructure that the district needs to support existing and future development.

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

The Parish Council request that a condition to prevent occupation until adequate parish school provision and healthcare provision can be demonstrated. Such a condition would not be reasonable as it would be dependent on the actions of third parties and not solely required by the development. It would fail to meet the condition tests per para 57 of the NPPF (conditions must be necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects).

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items in the red edge. However, notwithstanding, it remains possible to use s106 for targeted contributions. Due to secondary school capacity issues in the district, WSCC requested a secondary school transport contribution. Normally, s106 could be used for a contribution to the strategic road network but in this case, National Highways have not requested a contribution. The s106 will include a mechanism to safeguard and transfer, at zero cost, the requisite land for the childcare facility to Walberton Parish Council. The applicant has proposed this provision.

The request for a contribution from WSCC Education can be secured by the s106. This meets the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended) and the applicant has not raised any objection to this being included in the s106 agreement. On this basis, there

is no conflict with ALP policy INF SP1.

**SUMMARY:**

Para 11 (c) of the NPPF states that the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Notwithstanding the conflict with WNDP Policy HP18 2020 in terms of the quantum of development, the proposal is nevertheless in accordance with the BUAB policies of both the WNDP and the ALP. This report finds no harmful impacts and it is material that the council cannot currently demonstrate a policy compliant Housing Land Supply and with the new NPPF now has an even higher housing requirement. This lends support to the need for an uplift in the number of dwellings on the site.

**RECOMMENDATION:**

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

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

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**CIL DETAILS**

This is not currently liable for CIL due to being at outline stage. Instead CIL will be calculated on the reserved matters application.

<b>RECOMMENDATION</b>
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**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:
1. Layout.
  2. Scale.
  3. Appearance.
  4. Landscaping.
- Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development hereby approved shall be carried out in accordance with the following approved plans:
1. Site location plan PL01.
  2. Block plan PL08; and
  3. Proposed Access 33186-H-01 Rev P2 (within the Transport Assessment).
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, QE SP1 and T SP1.
- 4 The developer shall enter into a Section 278 agreement with the Local Highway Authority to enable the proposed pedestrian tactile crossing points on Arundel Road to be implemented. The pedestrian improvements shall be completed prior to the occupation of the 29th dwelling in the approved development.
- Reason: In the interests of road safety and accessibility in accordance with Arun Local Plan policies T SP1 & T DM1 and the NPPF.
- 5 The development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling or the occupation of the community building and shall be thereafter permanently maintained in good working condition.
- Reason: In order to secure a reduction in on site energy use in accordance with Arun Local Plan policy ECC SP2 and the NPPF.
- 6 No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1. This condition does not apply to the community building.

7 The landscape and layout details to be submitted pursuant to condition 1 shall include the following items:

1. Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted, or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

2. Full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost and including a Landscape Management Plan. The landscaping shall strengthen and enhance existing boundaries.

3. Details of the position, design, materials, height, and type of all boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter; and

4. Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also be designed to be sensitive to bats.

The lighting scheme shall include a bat friendly Lighting Plan. The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

8 The layout, scale, and appearance details to be submitted pursuant to condition 1 shall include the following items:

1. A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings and community building. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time

(or any subsequent guidance). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

2. A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval.

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

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

5. A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with Arun Local Plan policies T SP1, D DM1, QE SP1, QE DM3, the Arun Parking Standards SPD and the NPPF.

- 9 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 29th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

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

- 10 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with the Council's guidance note "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with Arun Local Plan policies D DM1 and D DM2, section 4 of the Council's guidance Note "Accommodation for Older People and People with Disabilities Guidance" and Walberton Neighbourhood Development Plan policy HP6 2020.

- 11 Where standard double glazed windows are proposed, the details to be submitted pursuant to condition 1 shall include an Overheating Assessment meeting the Chartered Institution of Building Services Engineers (CIBSE) TM59 standard and shall be undertaken with windows closed. The results of this may require the use of plenum windows as an innovative facade design.

Reasons: To mitigate against any issues for future residential occupants concerning heat and ventilation arising as a result of the noise environment in accordance with Arun Local Plan policies D DM1, ECC SP1, and QE DM1.

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

buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 13 Before the development hereby permitted is commenced, details of the proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate).

Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Water Source Protection Zone in accordance with Arun Local Plan policies D DM1, W DM1, and W SP1. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 14 The site should be maintained to ensure it does not become suitable for reptiles. Where the site develops suitable reptile habitat (e.g. areas of long grass) between the granting of this outline permission and commencement of the planning permission (post reserved matters approval), then further precautionary reptile surveys (and any mitigation scheme if reptiles are found) must be submitted for approval in writing by the Local Planning Authority prior to commencement.

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

- 15 No development shall take place until an Ecological Design, Management and Monitoring Strategy (EDMMS) for the provision of a minimum 10% on-site biodiversity net gain, has been submitted to and approved in writing by the Local Planning Authority. The EDMMS shall include the following:

1. Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).
2. Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).
3. Aims and objectives for the proposed works.
4. Site specific and wider ecological trends and constraints that might influence works.
5. Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.
6. Details of the legal and funding mechanism(s) by which the implementation of the EDMMS

will be secured by the developer with those responsible for its delivery.

7. Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.

8. Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.

9. Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met.

10. Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:

a. Appropriate success criteria, thresholds, triggers, and targets against which the effectiveness of the work can be measured.

b. Methods for data gathering and analysis.

c. Location, timing, and duration of monitoring

d. Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the Local Planning Authority.

e. How contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and implemented so that the original aims/objectives of the approved scheme are met.

The EDMMS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and Arun Local Plan policies ENV SP1 and ENV DM5. This is required to be a pre-commencement condition by virtue of schedule 7A to the Town and Country Planning Act 1990.

16 No development shall take place, (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 (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

1. Risk assessment of construction activities potentially damaging to biodiversity.

2. Identification of "biodiversity protection zones".

3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements).

4. The location and timing of sensitive works to avoid harm to biodiversity features.

5. The times during construction when specialist ecologists need to be present on site to oversee works.

6. Responsible persons and lines of communication.

7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

8. Use of protective fences, exclusion barriers and warning signs.

9. Containment, control, and removal of any invasive non-native species present on site.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to

discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 17 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-air.net/Reports/SussexAQGuidanceV.12020.pdf](http://www.sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf).

The assessment shall include full details of the measures necessary to mitigate the emissions as calculated in the assessment.

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

- 18 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 in writing 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.

- 19 No development shall take place, (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 WSCC Highways, the council's Environmental Health Officer and Portsmouth Water 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:

1. The phased programme of construction works.
2. 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).
3. The preferred road routing for all construction traffic associated with the development.
4. 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).
5. Details of street sweeping.
6. Details of a means of suppressing dust & dirt arising from the development.
7. A scheme for recycling/disposing of waste resulting from demolition and construction works (i.e., no burning permitted).
8. Details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination).
9. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.
10. Details of areas to be used for the storage of plant and materials associated with the



development.

11. 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).

12. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).

13. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works.

14. Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.

15. 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).

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.

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

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, and in the interests of highway safety in accordance with Arun Local Plan policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 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.

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

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

Reason: In the interests of safeguarding important minerals in accordance with West Sussex Joint Minerals Local Plan Policy M9. This is required to be a pre-commencement condition because extraction works will need be agreed and ready to start upon commencement.

21 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the Local Planning Authority (who shall consult with the Environment Agency & Portsmouth Water). The development shall be carried out in accordance with the approved details.

A piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration, and the programme for the works) should be submitted to and approved in writing.

It must be demonstrated that any proposed piling:

1. Will not result in contamination of groundwater.
2. Will not increase risk to drinking water supplies (including turbidity); and
3. Will not deteriorate the transmissivity of the aquifer.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with Arun Local Plan policies W SP1 & W DM1 and the NPPF. This is not strictly a pre-commencement condition as other means of foundations are available however, if piling must be used then these details must be agreed prior to commencement and this condition is required because otherwise the water supplies under the site could be adversely affected.

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

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

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

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

- 24 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling or building forming part of the proposed development, the applicant/developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with Arun Local Plan policies INF SP1 and T SP1 and in accordance with The Fire & Rescue Service Act 2004.

25 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing 33186-H-01 Rev P2 "Proposed Access" (as contained within the Transport Assessment).

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

26 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with the plans and details approved by the reserved matters permission and the relevant drainage conditions.

Reason: To secure satisfactory standards of access for the proposed development and in accordance with Arun Local Plan policy T SP1.

27 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 National Highways (or subsequent named body).

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

28 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy shall be in accordance with the recommendations of the submitted Ecological Assessment (ref DFA24068, Aug 24) and Ecological Assessment Addendum Report - Reptile Surveys (ref DFA24068A, Oct 24) and include the following:

1. Purpose and conservation objectives for the proposed enhancement measures.
2. Detailed designs to achieve stated objectives.
3. Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where applicable).
4. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
5. Persons responsible for implementing the enhancement measures.
6. Details of initial aftercare and long-term maintenance (where relevant).

The works shall also include new nesting habitat for bats and bee bricks/invertebrate hotels across the site. The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

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

29 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a

broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 30 Prior to the development being first occupied, details of the works to improve Footpath 2825 for pedestrian use between Arundel Road and its most northerly point within the site area along with a phasing plan for delivery of the improvement works shall be submitted to and be approved in writing by the Local Planning Authority. Construction of the agreed scheme shall be carried out in accordance with the approved details and programme, with all works completed prior to occupation of the 50th dwelling.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users, in accordance with Arun Local Plan policies D DM1, T SP1 and T DM1.

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

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

- 32 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

For guidance on the contents of the Biodiversity Gain Plans that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

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

(1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate).

(2) A Secondary School Transport Contribution.

(3) A Travel Plan monitoring/auditing fee (index linked).

(4) On-site BNG and future management/monitoring.

(5) ADC's standard monitoring fee of £2000; and

(6) WSCC's standard monitoring fees.

35 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

36 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 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](mailto:Frs.waterandaccess@westsussex.gov.uk)

37 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing, should such works be required. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

38 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The

applicant should be aware that a charge will be applied for this service.

39 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover any off-site highway works. In the event these are required, the applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

40 INFORMATIVE: Should the applicant intend to offer any of the internal estate roads for adoption under S38 of the Highways Act 1980, they will be required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover these. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk. Additionally, any works offered for adoption must connect to other roads that form part of the adopted highway network or are confirmed as being secured for adoption under S38.

41 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 22/08/24) as available on the council's website.

42 INFORMATIVE: A closure of the public footpath will be required during improvement works and a temporary closure application must be submitted to this departments at least 6 weeks in advance. Beyond any improvement work, the applicant is urged to allow access to the footpath during other phases of the development, however if this is not possible for practical or safety reasons a temporary closure application will also be required as above.

43 INFORMATIVE: In the interests of trees, the new surfacing works to the public footpath should be self-compacting and of a permeable construction, avoiding excavation near to any higher value trees on the site.

44 INFORMATIVE: The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- Treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The EA recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice; and
- The waste management page on GOV.UK.

45 INFORMATIVE: Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991.
- Hazardous Waste (England and Wales) Regulations 2005.
- Environmental Permitting (England and Wales) Regulations 2016; and
- The Waste (England and Wales) Regulations 2011.

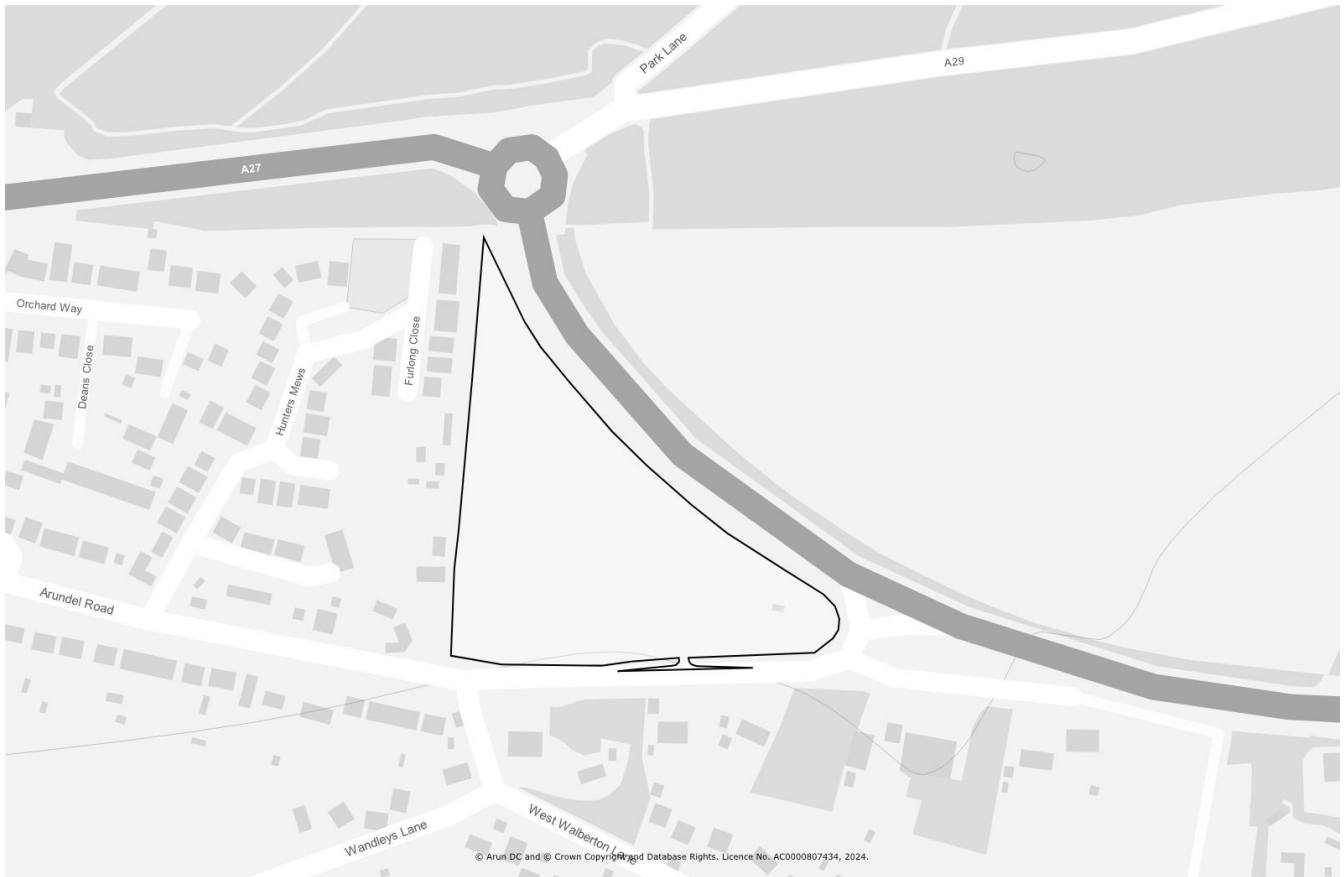
Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the "Hazardous waste: consignee returns guidance" Please do not hesitate to contact the EA should you have any queries.

## **BACKGROUND PAPERS**

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

**WA/74/24/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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