

PLANNING APPLICATION REPORT

REF NO:	AL/89/24/OUT
LOCATION:	Land at Woodgate Nurseries Lidsey Road Woodgate
PROPOSAL:	Outline planning with all matters reserved (except access) for the demolition of existing redundant nursery buildings and other structures and erection of a residential development of with up to 130 No. dwellings, informal and formal public open space, landscaping, drainage, and other associated works. This application may be a Departure from the Development Plan.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>Outline permission is sought for the principle of a residential development and access only at this stage with the following matters reserved for future consideration:</p> <ul style="list-style-type: none"> <li>- Appearance</li> <li>- Landscaping</li> <li>- Layout</li> <li>- Scale</li> </ul> <p>The application seeks outline permission for the demolition of existing redundant nursery buildings and other structures and erection of up to 130 No. dwellings, informal and formal public open space, landscaping, drainage, and other associated works.</p>
SITE AREA	The site measures 9.8 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 15 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Variety of screening along the boundaries, varying from hedging to mature trees.
BOUNDARY TREATMENT	Trees and vegetation of various height to all boundaries.
SITE CHARACTERISTICS	The site forms part of the southern extent of Woodgate, occupying a former horticultural nursery to the west of Lidsey Road, a small, grassed paddock and agricultural field. Two existing residential properties occupy the site.
CHARACTER OF LOCALITY	The site forms part of a band of arable fields, paddocks and horticultural nurseries around to the south-west of Woodgate. The adjacent nursery, to the south, appears disused and directly east, the former Wings Nursery site has been redeveloped by Thakeham Homes for residential use. The wider area is characterised by the coastal plain landscape,

which represents a low-lying landscape with gentle undulations. The landfill to the west of the site is manmade which has an elevated feature within the immediate context.

<b>RELEVANT SITE HISTORY</b>
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AL/34/24/ESO	Environmental screening opinion The proposed development is the erection of up to 150 (Use Class C3) residential dwellings in market and affordable housing tenures, public open space and associated infrastructure, accessed via a new landscaped link road to the west from the approved development site in the south (ref: AL/70/23/OUT) and pedestrian/ cycle access from Lidsey Road to the east, following demolition of existing glasshouses, buildings and structures on around 8.1 hectares of land to the west of Lidsey Road, Woodgate, West Sussex.	ES Not Required 07-05-24
AL/70/23/OUT	Outline planning application with all matters reserved except access for residential development of the site with up to 155 dwellings (Use Class C3), informal and formal public open space, landscaping, drainage, and other associated works. This application is a Departure from the Development Plan. This is Not CIL liable as Outline.	App Cond with S106 25-10-23
AL/129/21/OUT	Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan.	App Cond with S106 22-08-22
AL/21/20/OUT	Outline application with some matters reserved for the erection of 38 No. dwellings consisting of 5 No. 4-bed house, 14 No. 3-bed houses & 19 No. 2-bed houses, with communal work hub & associated car parking & landscaping (resubmission following AL/57/18/OUT). This application is a Departure from the Development Plan.	App Cond with S106 22-10-20
AL/107/21/PL	Demolition of the Woodgate Centre buildings (including 3 No. residential dwellings) & the construction of 180 No. residential dwellings with the creation of new vehicular access with footways and cycleways, ancillary road	App Cond with S106 03-05-23

infrastructure, emergency access arrangements, associated parking, public open space, including children's play space, landscape planting, surface water attenuation & drainage & other associated infrastructure. This site is in CIL Zone H SP2, BEW Strategic Site and is not CIL Liable.

A number of planning approvals have been granted on land surrounding the former Woodgate Nurseries site. AL/70/23/OUT granted outline consent for 155 dwellings and included the access which will serve this proposed development.

## REPRESENTATIONS

Aldingbourne Parish Council - Objection:

Increased risk of flood risk, over development, impact on biodiversity, transport infrastructure, increased demand for education provision, potential for disruption to archaeological presence, need for allotments/gym/community facilities.

Five letters of public representation objecting on the grounds of:

- Lack of local infrastructure e.g. demand for doctors/hospitals.
- Increase demand on sewerage and local drainage infrastructure.
- Southern Water over capacity for wastewater treatment.
- Potential flood risk.
- Traffic increase.
- Lack of education provision.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Any representations relating to material planning considerations are addressed in the Conclusions section.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

#### WSCC HIGHWAYS

- No objection, subject to conditions.

#### NATIONAL HIGHWAYS

- No objection, subject to conditions.

#### LEAD LOCAL FLOOD AUTHORITY (LLFA)

- No objection subject to conditions.

#### DEPARTMENT FOR TRANSPORT

- No formal comments to raise. However, be mindful of comments made by Network Rail in any determination as they act on their behalf.

LEISURE AND GREENSPACE

- No objection, subject to agreed suitable on-site Neighbourhood Equipped Area for Play (NEAP) provision and further detailed landscape measures secured (this includes robust landscaping surrounding the new link road public open space (POS) area).

TREES

- No objection subject to securing measures to protect root protection areas and G19.

ECOLOGY

- No objection, subject to conditions.

WSCC MINERALS AND WASTE

- No objection.

ENVIRONMENTAL HEALTH

- No objection, subject to conditions (Air Quality, Lighting, Working Hours, CMP, Contaminated Land).

ENVIRONMENT AGENCY

- No comments as not within their remit.

NETWORK RAIL

- No objection. Network Rail have withdrawn their earlier objection due to increased traffic and congestion following discussions with the applicant and their transport consultant. An updated technical note has confirmed that the usage of the crossing by pedestrians will be low level.

ARCHAEOLOGY

- No objections subject to condition.

SOUTH DOWNS NATIONAL PARK AUTHORITY

- Neither objects nor support the proposal.

WSCC FIRE AND RESCUE

- Advice regarding imposition of a condition for provision of a fire hydrant.

NATURAL ENGLAND

- No objection.

SUSSEX POLICE

- Consideration should be given to Crime Prevention Through Environmental Design (CPTED) and Secure By Design (SBD) standards.

WSCC LOCAL EDUCATION AUTHORITY

- Objected to the application as there are not sufficient spaces in secondary schools in the area to accommodate new pupils. As an interim solution, WSCC require transport contributions to cover costs to transport pupils from Arun District to alternative secondary schools within West Sussex which cannot be covered by CIL payments. A S106 contribution is sought from WSCC Education for school transport to mitigate the impacts of the proposed development upon Education.

WSCC HOUSING

- Neither objecting or supporting. Comments raised in relation to tenure mix, layout and housing need.

## NHS SUSSEX

- No objection subject to S106 contribution of £212,323.

## ECONOMIC DEVELOPMENT

- Would like to see a skills and employment plan included.

## ACTIVE TRAVEL ENGLAND

- No comment.

## SOUTHERN WATER

- No comments received at the time of writing report.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and are considered in the conclusions section of the report.

The NHS requested a financial contribution through S106. The development would be subject to Community Infrastructure Levy (CIL) and financial contributions towards the NHS cannot be secured via S106 Agreement.

**POLICY CONTEXT**

Designation applicable to site:

Outside of built up area boundary (BUAB) Grade 2 agricultural land

Within the Lidsey Water Water Treatment Works Catchment Area

**DEVELOPMENT PLAN POLICIES**

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM6	HER DM6 Sites of Archaeological Interest
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SKILLSSP	SKILLS SP1 Employment and Skills

SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

West Sussex Waste Local Plan 2014:

	West Sussex Waste W2 Safeguarding Waste Management Sites
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2	Green infrastructure and eco systems.
Aldingbourne Neighbourhood Plan 2019-31 Policy EH3	Development of agricultural land
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA2	Footpath and cycle path network
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy H1 2019	Provide Housing to meet District Council allocation
Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H4	Affordable Housing
Aldingbourne Neighbourhood Plan 2019-31 Policy H7	Development in the vicinity of businesses
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD12	Open Space, Playing Pitches & Indoor & Built Sports
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**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031 and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The revised Aldingbourne Neighbourhood Development Plan (ANDP) was made on 14/07/21 and its policies are referred to in this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

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

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

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (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 material considerations that weigh in favour of the proposal, which are discussed in the Planning Balance section towards the end of this report.

**BIODIVERSITY NET GAIN**

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

- 35.7% Hedgerow Units (4.9 units).
- 25.9% Habitat Units (6.79 units).
- 99.62% Watercourse Units (0.49 units).

**CONCLUSIONS****PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Aldingbourne Neighbourhood Development Plan made in 2016 ("ANDP") (review agreed 2021) and the

West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the current ANDP and the ALP, should be resolved in favour of the latter. The most relevant development policies in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently 3.41 years) following the publication of the most recent AMR which was presented to Planning Policy Committee 28 January 2025.

Having regard to Policy SD SP2 of the adopted Arun Local Plan, and Policy EH1 of the Aldingbourne Neighbourhood Plan (ANDP), the site lies outside the Built Up Area Boundary of Aldingbourne (within which development should be focused) and is defined as being in the countryside under the provisions of Policy C SP1 of the adopted Arun Local Plan, where development will only be permitted for a defined list of countryside uses.

Policy EH1 of the Aldingbourne NP relates to the Built Up Area Boundary (BUAB) and states proposals for development outside of the BUAB, that do not accord with the development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure.

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

In January 2025, the Council republished its Authority Monitoring Report (AMR). This states the HLS is now at 3.41 years. The housing delivery test (HDT) results for the district have also been below 70% since 2018. Given this position the policies most relevant to the determination of the application have reduced weight.

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

Paragraph 14 of the NPPF states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement. The ADNP was adopted in 2021 and does contain a policy which allocates land for housing to meet its needs (H1 2019) and has a policy (EH1) designed to allow for additional development outside the BUAB to meet the housing shortfall.

On the basis of the most recent AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land.

## SUSTAINABLE DEVELOPMENT

The site is in walking distance of a range of key facilities and services found in Woodgate including local shops, eateries/pubs and Aldingbourne Primary School. Within Westergate which is approximately 1km away from the site is a secondary school, medical facilities, recreational grounds and a village hall. As the site is not a town centre location it is generally accepted that distances of 400m-1200m for day-to-day journeys and in respect of school/work commuting, 500m-2000m are considered sustainable.

There are several bus stops (66A and 66C) along the A29 Lidsey Road within approximately 90m south



of the proposed cycle/pedestrian routes. Route 66A provides an anticlockwise service via Yapton and Walberton and 66C provides a clockwise service via Walberton and Yapton; together there are six services which run in each direction on weekdays, with one fewer service towards Bognor Regis on Saturdays and no services on Sundays. These bus stops have recently been upgraded. These improvements include new shelters, hardstanding and seating.

Barnham Railway Station is an approximately 4km travel distance to the east, which is an approximately 12 minute cycle. The station can be reached via buses (66A and 66C) which stop to the north of the site (taking approximately nine minutes). Cycle parking is available at the station (62 spaces) as is car parking (130 spaces).

While the site is not directly served by public transport and the distances are not attractive as a walking option, given the upgrades made along Lidsey Road to the bus shelters etc, the cycle/pedestrian pathways proposed would link well within the site and its overall sustainability is considered adequate.

Paragraph 8 of the NPPF(2024) sets out three objectives in relation to sustainable development comprising social, environmental, and economic. Taking each in turn, the proposal would provide some social gains resulting from the provision of affordable housing; the proposed mix of house types; increase in accessible open space and the increased use of local services and facilities. Subject to a S106 being in place, the proposal would comply with these elements.

In terms of environmental aspect of the proposal such as impacts on trees and impacts upon the highway network these are considered in detail in the report below. Whilst there would be some adverse environmental impacts such as further urbanisation of the BUAB off of Lidsey Road from the proposed built form, this is outweighed by the public benefits generated from the development which are discussed further within the report.

Overall taking the above into consideration, environmental gains would be provided in this scheme through the proposed biodiversity net gain as well as enhanced landscaping with additional planting. There would be limited harm to the environment through the loss of the open and undeveloped nature of the site, due to the degree of containment and retention of the most important landscape features which would screen it from wider view. This is discussed in more detail in the report below.

Lastly there would be some economic benefits of the scheme through the creation of construction jobs, increased local spending, and broader benefits of housebuilding contributing to wider economic recovery.

### AGRICULTURAL LAND

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

The agricultural parcels of land in the application site are Grade 2 (BMVAL), this has to be weighed against the urgent need for housing in the area. Given the size of the site and the development, this loss would not be too significant to warrant refusal which is further supported by recent appeal decision (APP/C3810/W/22/3309365) Land West of Yapton Lane, Walberton for 48 dwellings where the inspector concluded that whilst weight is given to the loss of BMVAL, in the absence of a five year supply of housing land; the consideration of these elements have to be considered within the planning balance.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy

criterion should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not provided a Soil Resource Plan (SRP). Whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. A suitably worded condition could be imposed to secure a SRP to protect and secure reuse of important soils.

## CHARACTER AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. The policy requires the scale of development keep within the general confines of the overall character of a locality. Arun LP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

The National Design Guide (NDG) is a material consideration in the determination of this application. The applicant provided a supplemental Design Statement which responds to these headings and concludes the scheme will blend harmoniously in the surrounding area providing high quality, well designed dwellings and spaces for the future residents.

The Arun Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The site density of approximately 15 dwellings per hectare is considered appropriate to the character of the site and nearby settlement. The layout is indicative at this stage however it would meet all other policy requirements. This matter would be subject to further consideration at the detailed design stage.

The immediate locality is semi-rural in character. Given the existing semi-rural nature of the site there would be a change in this character and an urbanising effect through the introduction of up to 130 dwellings, roads and other infrastructure and domestic paraphernalia. It is acknowledged, as set out in the Landscape and Visual Impacts Assessment (LVIA), that the site is not constrained by any landscape designations, nor would it have harmful impacts upon views into or out of the South Downs National Park.

The illustrative masterplan indicates scope for significant additional planting which would further screen the development from views within the wider countryside. The LVIA states that views of the site are mainly limited to nearby properties close to the boundary of the site and at proposed access points.

Therefore, while there would be harm to the open countryside through the loss of the undeveloped character of the site and introduction of urban built form, the views to and from the site are relatively well screened which limits the harmful impact on the immediate area surrounding the site. The addition of a new engineered access may be considered to further exacerbate the urbanisation of Lidsey Road cumulatively with the Wings Nursery site. However, the proposed access to the site is via an existing track to the nursery from the A29 Lidsey Road, which would utilise the same access already consented under adjacent developments which would which would minimise these impacts. Access would be via a new landscaped link road to the west of the approved development site to the south and emergency/pedestrian/cycle access from Lidsey Road to the east. This link road is proposed to pass through the area of public open space (POS) to the west of the development and consideration of landscaping in this area would be required in order to retain the character and aesthetics of this area, ensuring the space remains usable and safe as POS. Any potential harm must be weighed in the planning balance.

## LIGHT POLLUTION

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. It is identified that schemes proposing outdoor lighting be accompanied by an assessment. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The development of up to 130 dwellings would introduce lighting to an area that derives its character from its unlit nature. Whilst a lighting strategy has not been submitted with the application, it would be prudent to impose a condition to ensure artificial lighting installed on site for safety, security and amenity is low level and during hours of darkness.

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

### TRAFFIC, ROAD SAFETY & PARKING

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

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

Para 115 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 116 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

WSSC Highways raised no objection subject to the imposition of relevant conditions being imposed on any approval. They are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF (para 116), and there are no transport grounds to resist the proposal from a local highway perspective.

The proposed access is from the A29. This access is derived from an existing vehicular access which has been approved via two applications, references AL/129/21/OUT and AL/70/23/OUT. This allows for a natural connection via this route. There are no PRow's or access within or immediately adjacent to the site. Footpath ADL291 to the west of the site is currently closed until the restoration of the landfill is complete.

Extensive consultation has taken place with the Highway Authority in relation to traffic detailing and some

clarity on modelling. A Technical Note 2401/TN/07/A was sent in response to previous comments made on 18 November. The applicant has provided all modelled scenarios, including end of Local Plan with all of Barnham, Eastergate and Westergate (BEW) developed and occupied with the realigned A29 in place and open to traffic. The overall impact of the development would be negligible at key junctions tested and as such, would not result in severe impacts on the local road network, nor would it prejudice the delivery of the strategic allocation at BEW.

Due to the outline nature of the application the parking provision is not detailed. Due to the the quantum of development and size of the site it is likely that parking provision in accordance with Arun District Council's Parking Standards Supplementary Planning Document (SPD) could be achieved. Similarly, the application documents indicate a policy compliant level of cycle storage and electric vehicle charging points would be provided. It is identified through the Council's Parking Standards SPD that there is a requirement that 5% of all spaces are suitable for people with disabilities and a condition is included to ensure compliance with this requirement. These matters would be considered fully at the reserved matters stage.

The proposals broadly accord with policies in the Arun Local Plan and Aldingbourne Neighbourhood Plan in respect of highways and parking. The proposal is compliant with the relevant development plan policies and guidance on highway safety within the NPPF subject to relevant conditions and the inclusion of the travel plan within the S106.

## BIODIVERSITY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

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

Chichester and Langstone Harbours Special Protection Area (SPA) lies 9.8km west of the site, Pagham Harbour SPA lies 7.8km south-west of the site and Singleton and Cocking Tunnels Special Area of Conservation (SAC) lies 12km north-west of the site.

The site is in the Singleton and Cocking SAC buffer zone and an appropriate assessment has been carried out alongside the application. The Ecological Impact Assessment includes the existing BNG baseline and condition assessment of the current habitats on site. The indicative BNG metric has been submitted based on the indicative site layout and demonstrates that the development would exceed the minimum 10% BNG in line with the Environmental Act 2021.

Further updates have been provided in line with comments made by the Council's Ecologist dated October 2024. Protected species identified during Phase 2 surveys at this site include badgers, foraging and commuting bats, dormice, reptiles, breeding bird species and overwintering bird species. Surveys for great crested newts did not identify any evidence that these species are found in this locality. As a result, no further surveys or mitigation measures are recommended with respect to these species.

A separate detailed mitigation statement and Habitat Creation and Management Plan is recommended to detail how badgers, bats, dormice, reptiles, breeding birds and overwintering birds will be protected throughout the development and where possible, net benefits be provided to the conservation of these species through outline proposals provided within this report.

Dormice were found to be present. A European Protected Species (EPS) licence will be required, and as set out within the EclA, the licence application will include the need for mitigation planting, which will additionally benefit bats utilising the site. This matter would be secured by condition.

Specific enhancements that have been included within the landscape and environmental management plan (LEMP) are as follows:

- Sowing of SuDS features with species-rich wetland wildflower seeds (Mixture EM8) by Emorsgate seeds. This mixture must include no less than 20 native grass and wildflower species sown in the early spring or early autumn. Once established it must not be cut more than twice per year and its management must follow the prescriptions set out within the LEMP.

- Neutral wildflower meadow grassland will be established in new greenspace areas, particularly the areas identified as 'Natural and Semi-natural open space' in Figure 2. The most appropriate seed mixture for this area would be EM3 by Emorsgate seeds, containing 29 native grass and wildflower species.

- New native hedgerow planting will be used to create new boundaries with access roads and other features. These hedgerows will be planted at a density of five hedge trees per linear metre and will comprise of 50% hawthorn (*Crataegus monogyna*), with not less than five additional native tree species forming the remainder of the planting mix, including species such as blackthorn (*Prunus spinosa*), dogwood (*Cornus sanguinea*), field maple (*Acer campestre*), hazel (*Corylus avellana*), purging buckthorn (*Rhamnus cathartica*), wild privet (*Ligustrum vulgare*) and guelder rose (*Viburnum opulus*).

- The provision of no less than 35 new features for roosting bats, including ten cavity wall boxes such as the habitat bat box or vivara pro build-in WoodStone bat box, ten crevice roosting features for buildings, such as the Schwegler 2FE wall mounted shelter or Beaumaris woodstone bat box and fifteen tree mounted bat boxes, such as the general purpose bat box.

- The provision of 45 new features for nesting birds, including 10 swift boxes, 10 house martin cups, 10 house sparrow terraces and 15 general purpose bird boxes.

All of these matters can be secured by way of condition.

An increase in artificial light would negatively impact foraging, commuting and roosting bats and as identified above a detailed lighting strategy would be secured by condition.

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

## TREES

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy ENV DM4 of the Arun Local Plan requires development to protect and manage existing trees wherever possible. It also requires development to take a comprehensive view of tree issues at the early stages of the design process.

There is a formation of higher value trees (retention category A/B) native oaks on the south, east and west boundary of the proposed residential parcels, with a majority of these being subject to a Tree

Preservation Order (TPO). Native hedgerows and understory vegetation within and around the site will create wildlife corridors. These elements hold landscape value and are strategically important for the accrual of ecological and environmental benefits as they provide a high level of visual amenity. In order to be preserved post construction, consideration must be given for their continued growth for years to come. The Tree Officer indicated that these elements should remain a focal point within the site, adding maturity and sense of place.

An Arboricultural Assessment and Method Statement was submitted with the application alongside a Tree Protection Plan (TPP). Whilst the layout at this stage is illustrative, further consideration at reserved matters stage could be afforded to the potential impact within root protection zones, especially that of higher value trees. Only three trees are wholly in the site (T21-23), the remainder are growing on/near the boundaries.

The Tree Officer concluded that in "general the principle of development as illustrated is achievable without undue detriment to retained trees". Any subsequent reserved matters applications will need to include a sympathetic approach to trees that are to be retained/enhanced. No trees in the proposed main access route would be affected due to there being sufficient buffers of the root protection areas and the route that has been proposed to accommodate this.

The development would protect existing trees on site which would contribute sufficiently to local amenity and would comply with ALP policies D DM1 and ENV DM4.

## ARCHAEOLOGY

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

The application includes an archaeological desk top study report which confirms that archaeology constraints would not be grounds for refusal of the application. While the site has potential to contain remains of interest this could adequately be investigated through geophysical survey and archaeological and geoarchaeological evaluation appropriately. ADC's archaeology consultee agrees with the conclusions made in the assessment. It would be appropriate to impose a condition to carry out trial trenching, in advance of development, in order to identify significant deposits that might be present and to enable the implementation of appropriate measures for their preservation, i.e. either in situ or through further investigation, recording and publication. No objection has been raised to the development subject to a suitably worded condition.

## AFFORDABLE HOUSING:

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

### Housing mix/type

	Market	Affordable Housing
1 Bedroom -	0	4
2 Bedroom -	41	8
3 Bedroom -	41	16
4 Bedroom -	9	2
Total -	91	39

The mix broadly reflects the indicative mix in AH SP2, albeit a slight over-providing 2 bed units and a slight under provision of 4 bed units. The applicant proposes a tenure split of 75% affordable rent and 25% intermediate dwellings, which accords with the requirements of policy AH SP2. Ensuring the affordable units are pepper potted around the site, will be a consideration when the reserved matters application comes forward for the site when the consideration of a layout is proposed.

Should a S106 agreement be secured the proposal would accord with ALP policy AH SP2. However, given the absence of a completed S106 agreement at this time, the proposal is currently in conflict with ALP policy AH SP2.

#### HOMES FOR OLDER PEOPLE:

Arun DC agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). It is supported by references in ALP policies D DM1 & D DM2. This requires at least 48 of the homes (50%) are designed to the M4(2) standard, and that 4 are designed to meet M4(3) i.e. be wheelchair accessible.

Given the outline nature of the proposal and the detail of the indicative proposed plans it is not possible to make a detailed assessment at this stage, but it would certainly be possible to design a scheme that is compliant with policy.

#### FLOOD RISK & SURFACE WATER DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

The site is in Flood Zone 1 and is a low risk from both fluvial and pluvial flooding. A combined Flood Risk Assessment (FRA) and Drainage Strategy was submitted. During the course of the application additional information was submitted to address issues raised by the Lead Local Flood Authority (LLFA).

Following a further round of consultation with the LLFA no objections have been raised to the FRA and Drainage Strategy proposed subject to the imposition of conditions.

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

#### FOUL DRAINAGE:

ALP policy W DM1 states that all major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 states that a drainage impact assessment is required for all major development.

The foul drainage strategy shows a gravity fed system to the existing foul sewer network in the east of the site via a new connection east of Lidsey Road. An assessment was made in the strategy which concludes that any necessary network reinforcement required is carried out using a sewer modelling process and can result in solutions involving storage or increased pipe sizes.

Appropriate foul drainage measures could be dealt with through the use of an appropriately worded condition. Subject to imposition of conditions the proposal would accord with Policy W DM1 of the Arun Local Plan.

#### **ENERGY AND CLIMATE CHANGE:**

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

The application suggests the dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. Conditions will need to be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. The inclusion of an appropriately worded condition will ensure compliance with the relevant policies.

#### **PUBLIC OPEN SPACE & PLAY**

ALP policy OSR DM1 requires housing developments to 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 for 9,152 sqm of Public Open Space (POS) and a separate on-site play provision requirement onsite of 1,573 sqm of equipped play provision.

This proposal would trigger the threshold for a neighbourhood equipped area of play (NEAP), as noted in the Arun Leisure and Greenspace Officer comments. The SPD identifies that a development of this size would generate the need for 858 sqm of NEAP provision which falls below the identified minimum area for a NEAP. Whilst a NEAP may not be appropriate an enhanced locally equipped area of play (LEAP) provision to meet minimum play provision standards would be acceptable.

The applicants have proposed a LEAP of 435 sqm which falls significantly below the need identified. The low provision would fail to address the need generated by the development and would conflict with policy OSR DM1. However, the use of an appropriately worded condition to secure a total play provision of 1,573 sqm could be imposed and would ensure that the development meets the policy requirements. Given the total open space provision on site exceeds 17,000 sqm, it is reasonable to expect that this would be achievable on site.

The large amounts of open areas provide significant planting opportunities which would be of both a benefit to local wildlife but also serve to enhance landscape buffers to screen the built form proposed.

Subject to securing appropriate, policy compliant play provision within the site, the proposal would meet the requirements of the policy OSR DM1 and the Council's SPD when taken as a whole. This includes appropriate conditions relating to a landscaping scheme and play provision to ensure a high-quality development is achieved.

#### **WASTE AND MINERALS**

The applicant submitted a Waste Infrastructure Statement that concludes that the development would not prevent or prejudice the continued operation of the waste site (although not formally identified as one in the WSCC Annual Monitoring Report). The Minerals and Waste Planning Authority (MWPA) raise no



objection in principle to the development, subject to the LPA being satisfied that the delivery of the development would not introduce new sensitive receptors within close proximity of existing waste infrastructure. This includes the potential noise and odour impacts on future residents of the site. This can be controlled by way of condition on any approval to ensure noise limits do not exceed 5db above background noise at the nearest neighbour receptor.

Subject to a condition the development would be compliant with relevant policy.

#### **SUPPORTING INFRASTRUCTURE:**

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

Affordable housing provision would be required to be secured via a S106 legal agreement. On site provision of open space and play equipment could be secured via a planning condition.

WSCC as the Local Education Authority objected as there are insufficient spaces in existing secondary schools in the area to accommodate new pupils. As an interim solution, WSCC require transport contributions to cover costs to transport pupils from Arun to alternative secondary schools in West Sussex which cannot be covered by CIL A S106 contribution is sought from WSCC Education for school transport to mitigate the impacts of the development on Education.

NHS Sussex has made a request for a contribution of £212,323 towards health infrastructure. The council operates an adopted CIL Charging Schedule and, as such, contributions towards health care provision in this case must be met through CIL. The NHS Sussex request for a contribution through a S106 agreement does not meet the statutory tests and has not been sought by officers in this instance.

Subject to a S106 agreement to secure the above mentioned obligations to provide affordable housing and an Education Transport Contribution, the proposal would comply with relevant development plan policies. The S106 will also secure a travel plan and its associated monitoring fees together with open space provisions.

#### **SUMMARY & PLANNING BALANCE**

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

Within the balance, the Aldingbourne Neighbourhood Plan is afforded considerable weight as a whole, given that it complies with the requirements of the NPPF at paragraph 14. These being i) the neighbourhood plan form part of the development plan and is less than five years old, and ii) the neighbourhood plan makes policies and allocations for housing development which meets its identified housing need.

While paragraph 11(d) does apply and the 'tilted balance' is engaged, given that the ANDP meets both criteria of Paragraph 14, then the adverse impacts of allowing development must be considered alongside the conflict with the ANDP when assessing the planning balance.

In respect of the paragraph 11 (d) part (ii) test, the report identifies that the proposal is in conflict with the council's policies in respect of: development in the countryside (EH1 of the ANDP); the loss of high-grade

agricultural land (DM1 of the ALP); and with EH1 of the ANDP being most significant having only been adopted in 2021.

Policy EH1 (i) of the ANDP states: Where there is a demonstrable shortfall of housing land supply having regard to the requirements of the adopted Arun District Local Plan, development proposals must demonstrate that each of the following criterion can be met otherwise development outside the BUAB will be resisted: (i) the scale of development is proportionate to the housing supply shortfall and local housing needs of the Parish and can be deliverable in the short term. The development would be in conflict with the latter part of this section of the policy which would be considered to cause significant harm which must be assessed within the planning balance.

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

In that appeal, the Inspector afforded significant weight to the delivery of affordable housing and moderate weight to the economic benefits and biodiversity net gain. They considered the loss of the agricultural land as unfortunate, but the policy does allow for development of such land where there is a clear need. On this basis, it would be appropriate to allocate only moderate weight to the loss of agricultural land in this application. Development in the countryside is against policy but such a refusal reason would not be sustainable unless there was associated harm, and this report finds none that would warrant outright refusal. There is policy conflict with ALP policy W DM1 but this does not generate any significant harm subject to relevant conditions and any specified timeline for the S106 to be completed in any approval that is put forward.

The NPPF(2024) update places an emphasis on housing need and increasing housing targets. The NPPF is supportive of LPAs taking this approach, and whilst there would be significant weight applied to EH1 (i) of the ANDP as the proposal would be in conflict with this element, there is significant weight applied to the housing need in the district. In respect of the location, it is a logical expansion for residential development of this nature given recent planning approval for residential development to the east and south of the site and the fact it is adjacent to existing built form which would meet the objectives set out in the NPPF. Whilst there is a direct conflict with policy EH1 (i) of the ANDP (and significant weight has been afforded to this), this conflict is outweighed by the significant need to deliver housing within the District.

The site is sustainable and results in significant benefits to the local and wider area through new housing (including affordable housing). Moderate benefits through the creation/retention of construction jobs, new income to the council, spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements. The combined weight applied to these benefits is significant in favour of the development, given the housing land supply position.

Having recognised the collective benefits of the scheme and the tilted balance approach, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF and any adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

**RECOMMENDATION: APPROVE SUBJECT TO S106 AND CONDITIONS**

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

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

Should the s106 not be completed then the application shall be refused for the following reasons:

- (1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.
- (2) In the absence of a signed Section 106 agreement which includes a Travel Plan, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.
- (3) In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and the NPPF.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**CIL DETAILS**

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

**RECOMMENDATION**

APPROVE CONDITIONALLY

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:

- Dwg No. DLA 2222 L 05 REV S02 Location Plan;
- Dwg No. DLA 2222 L 04 REV S06 Illustrative Block Plan (in relation to access only).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

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

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

5 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 policies ECC SP1 and W DM1 of the Arun Local Plan.

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

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

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

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

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

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

7 The layout, 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. 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 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.

6. The scheme shall make provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Aldingbourne Neighbourhood Development Plan policy H2 and the Councils guidance note "Accommodation for Older People and People with Disabilities Guidance".

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

8 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 which provide a minimum 1,573sqm of equipped play areas and their management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 70th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

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

9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Co-op, August 2024 and updated on October 2024) already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall supervise all activities, and works shall be carried out, in accordance with the approved details.

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

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

should include the following:

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

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

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

11 1. Prior to the commencement of development but after the approval of the Biodiversity Net Gain Plan a 30-year Habitat Management and Monitoring Plan (HMMP) for the provision of a minimum 10% Biodiversity Net Gain (BNG) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be based upon Natural England's Habitat Management and Monitoring Plan Template and shall include the HMMPT Companion Document and a list of what will form part of the Habitat Management and Monitoring Reports submitted for Part 2) of this condition.

2. From the date of last occupation, or the date that the BNG creation and enhancement works have been completed, whichever is the earliest, a BNG Habitat Management and Monitoring Report must be submitted to and approved in writing by the Local Planning Authority by years 2, 5, 10, 15, 20, 25 and 29.

The development shall proceed on the basis of all approved documents and timings as approved under 1) and 2) for the duration of the HMMP.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and policies ENV SP1 and ENV DM5 of the Arun Local Plan. This must be a pre-commencement condition because it relates to the creation and retention of biodiversity net gain in accordance with schedule 7A to the Town and Country Planning Act 1990.

12 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 policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 13 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Reptile Mitigation Strategy shall include the following:

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

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

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities



Act 2006 (Priority habitats & species), and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

14 Any works which will impact the breeding / resting place of dormice, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

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

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

15 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

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

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

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

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

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

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

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

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies QE SP1 and QE DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 17 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design, and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

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

- 18 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms (ensuring the design of structure minimizes the risk of blockage) and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment and Drainage Strategy (REV A, Fortridge, September 2024) and remaining in perpetuity for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with the NPPF and policy W DM2 and W DM3 of the Arun Local Plan.

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

1. A timetable for its implementation.
2. Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect.
3. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other

arrangement to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and policy W DM2 and W DM3 of the Arun Local Plan.

- 20 Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all surface water drainage features are adequately protected in accordance with NPPF and policy W DM2 and W DM3 of the Arun Local Plan.

- 21 Prior to first use of each phase of development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately address for each new dwelling and not increase and in accordance with NPPF and policy W DM2 and W DM3 of the Arun Local Plan.

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

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

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

- 24 The development hereby approved shall be carried out in accordance with the Acoustic Report by 24 Acoustic reference. R10444-1 REV2 dated 14.10.24 and shall be maintained for the duration of construction and for the lifetime of the development.

Reason: To ensure that noise mitigation is maintained throughout the site and to comply with Policy QE SP1 of the Arun Local Plan.

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

Reason: The site is of archaeological significance in accordance with policy HER DM6 of the Arun Local Plan. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

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

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

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

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

- 27 No part of the development shall be first commence until such a time as the vehicular access off the A29, including internal estate roads; all forming part of the permissions previously secured as part of AL/129/21/OUT and AL/70/23/OUT, have been constructed in accordance with the details shown on the approved drawings, including any Road Safety Audit recommendations.

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

- 28 No part of the development shall be first occupied until such a time as the vehicular access spine road and internal estate roads, have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority and retained thereafter.

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

- 29 No part of the development shall be first occupied until the foot, cycle and emergency vehicular access onto the A29 Shripney Road has been constructed in accordance with plans and details to be submitted and approved in writing by the Local Planning Authority. The access once constructed shall thereafter be used by emergency vehicles, pedestrians and cyclists only and retained as such.

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

30 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided, the spaces shall be retained thereafter and are only to be used for the parking of vehicles.

Reason: In the interests providing adequate parking throughout the development with policy T SP1 of the Arun Local Plan.

31 No dwelling shall be first occupied until covered and secured parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority and retained thereafter.

Reason: In the interests providing alternative travel options throughout the development with policy T SP1 of the Arun Local Plan.

32 No development shall take place, including any works for demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not limited to the following matters:

- The anticipated number, frequent and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plan, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provisions of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including provisions of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works.

No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays. In addition, there shall be no external working, an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: In the interests of road safety, safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats), and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF.

33 Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways) for the A27. The plan shall include as a minimum:

- Construction phasing.
- Construction routing plans.
- Permitted construction traffic arrival and departure times.

Thereafter, all construction activity in respect of the development shall be undertaken in full

accordance with such approved details, unless otherwise approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: To mitigate any adverse impact from the development on the A27 in accordance with DfT Circular 01/2022 and policy T SP1 of the Arun Local Plan.

- 34 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 policy TEL SP1 of the Arun Local Plan.

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

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

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

Reason: In accordance with policy SO DM1 of the Arun Local Plan 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.

- 37 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).

38 Prior to any part of the new development being first brought into use/occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

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.

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

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

(1)The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses.

(2)Open space provisions,

(3)A Travel Plan and its associated fee for monitoring and auditing of the Travel Plan; and

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

40 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>.

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

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance

supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department, WSFRS on the details given below: Frs.waterandaccess@westsussex.gov.uk

42 4INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

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

44 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 12/05/23) as available on the Councils website.

45 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.

46 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).

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

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



immediately above the peak recorded groundwater levels where it is deemed necessary.

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

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA policy for the Management of Surface Water'.

- 48 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 49 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition
- 50 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 51 INFORMATIVE: Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.
- 52 INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, should they wish to offer any internal roads for adoption or other infrastructure being offered to the Highways Authority under S38 of the Highways Act 1980. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 53 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. 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 Temporary Traffic Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 54 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

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applicant should be aware that any charge will be applied for this service. For temporary directional signs to housing developments (Maor applications only 10 units +), the applicant must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here:

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/>

### BACKGROUND PAPERS

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

**AL/89/24/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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