

PLANNING APPLICATION REPORT

REF NO:	BN/50/20/PL
LOCATION:	Land west of Fontwell Avenue Fontwell Avenue Eastergate PO20 3RX
PROPOSAL:	Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	<p>42 dwellings consisting of 4 x 1 bed, 12 x 2 bed, 22 x 3 bed and 4 x 4 bed. 13 will be affordable homes. Included in the mix are 4 flats (in a two storey block) and 4 "Flat over Garage" (FOG) dwellings.</p> <p>The site has a new vehicular access on the Fontwell Avenue frontage. This and the visibility splays require the removal of 13 category B trees and the hedgerow on Fontwell Avenue. A new section of footway will run south of the vehicular access and allow pedestrians to cross Fontwell Avenue via a new crossing island to the footway on the other side. Fontwell Avenue will be widened (using land on the west side of the road) to accommodate a new southbound right turn lane and the pedestrian island. There will be a pedestrian access to Level Mare Lane to the north (in the same position as the existing unmade vehicular access).</p> <p>A small section of non-native hedgerow is also to be removed on the southern boundary due to the need for parking spaces. This and the other tree loss will be compensated for with tree planting and new native hedge and shrub planting on site boundaries. The layout includes 3,471m<sup>2</sup> of Public Open Space (POS) to include landscaping and play areas.</p> <p>Parking is in the form of 70 allocated spaces including 6 car ports and then 16 allocated garage spaces and 9 unallocated visitor spaces. Cycle stores are not shown so will be subject to a condition (albeit that the 22 garage spaces are of the required dimensions to allow for cycle storage).</p> <p>Two communal bin stores are shown but there are no elevations so will be covered by condition. Boundaries are to be a mix of timber fencing/brick walls as indicated by the plan in the Design &amp; Access Statement. Hard surfacing is</p>
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permeable block paving, tarmac, concrete slab paving & resin bound gravel. Lighting is in the form of 4m and 6m column lights, details will be subject to a condition.

The Design & Access Statement refers to materials being predominantly red stock brick with plain clay tiles and painted brick on key buildings and some reconstituted slate roofing & weatherboarding.

SITE AREA	1.85 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	22.7 dwellings per hectare.
TOPOGRAPHY	The land gently slopes from Level Mare Lane (circa 18.6m AOD in the North-west corner down to Fontwell Avenue in the South-east at 16.3m AOD). Over a distance of some 195m this results in an approximate gradient of 1:85.
TREES	There are significant trees on boundaries but only 3 small trees in the site. The proposals protect and retain trees on the west side of the site (off-site), to the north boundary and in the south east corner.
BOUNDARY TREATMENT	2m high hedges/significant tree planting to the boundaries. The south boundary has wire fencing and a 4m high section of non-native hedge. The site also has electric fences within it as associated with the equestrian use.
SITE CHARACTERISTICS	The site comprises agricultural land currently grazed by horses in association with a private stables and manege at 1 Northfield Cottages. The site has an unmade vehicle access from Level Mare Lane on the northern boundary. There is an enclosed substation on the north boundary. Part of the site at the south end includes a section of a storage shed and metal containers.
CHARACTER OF LOCALITY	<p>Rural in character with very few neighbouring residential properties. The area is not densely populated and is largely characterised by open agricultural land and fallow fields, some in equine use.</p> <p>To the south is 1 Northfield Cottages with its own stable buildings, manege, large car park and ancillary buildings. Beyond this is 2 Northfields Cottages, a dwelling. To the west lies open fields. To the North, beyond Level Mare Lane is more open land including parts of the racecourse. To the east on the opposite side of Fontwell Avenue lies a mix of open land and dwellings.</p> <p>The nearest dwellings are too far away such that there is no need to describe facing windows.</p>

**PLANNING HISTORY:**

This site was subject to two pre-application enquiries in November 2017 for 52 dwellings and in October 2018 for 32 dwellings. Both were considered inappropriate although this was largely as a result of the

Council being able (at that time) to demonstrate a 5-year Housing Land Supply.

## REPRESENTATIONS

Barnham & Eastergate Parish Council object for the following reasons:

- (1) Application is premature as site was to be considered in Neighbourhood Plan Review;
- (2) Site is affected by flooding on the east side of the site;
- (3) Loss of trees and hedgerow;
- (4) No provision for access to public transport;
- (5) No provision for extensions to the footpath and cycle path network;
- (6) No land allocated for allotments; and
- (7) Breaches NP policy H3 in respect of % of 1 & 2 bedrooms.

Walberton Parish Council have objected on the grounds that:

- (a) Outside the BUAB and not allocated in the Development Plan;
- (b) Loss of agricultural land;
- (c) Loss of hedges and trees;
- (d) More information required as to biodiversity net gain;
- (e) Bats may be harmed;
- (f) Developer is capitalising on the impact of Covid-19 on the housing land supply;
- (g) Application is misleading in respect of HELAA reference and this should be afforded low weight;
- (h) Traffic safety issues with the new access;
- (i) Insufficient parking provision;
- (j) The Travel Plan is unsatisfactory;
- (k) Unsustainable location for development;
- (l) No provision for extra infrastructure;
- (m) Increased surface water runoff causing flooding elsewhere;
- (n) Southern Water have not responded regarding foul drainage; and
- (o) Lack of pre-submission public consultation.

21 letters of objection raising the following issues:

- (1) Site is not allocated in the Development Plan;
- (2) Increased traffic on A29 Fontwell Avenue;
- (3) No provision for extra infrastructure;
- (4) Loss of agricultural land;
- (5) Housing density is out of character;
- (6) Flooding;
- (7) Bus timetable provided in the supporting timetables is incorrect;
- (8) Harm to wildlife including bats, reptiles, birds, butterflies;
- (9) Unsustainable location - occupiers will not walk anywhere and instead just use cars;
- (10) Unconnected form of development;
- (11) Unfair ADC only accept comments online particularly as lack of newspaper coverage due to Covid;
- (12) Insufficient number of yellow notices;
- (13) Footway on eastern side of Fontwell Avenue is not wide enough;
- (14) Harm to rural character of Fontwell Avenue;
- (15) Loss of trees and vegetation;
- (16) Overlooking of houses on the opposite side of Fontwell Avenue; and
- (17) The HELAA should be afforded low weight.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The following comments are offered in response to the Barnham & Eastergate Parish Council objection:

- (1), (2), (3) and (4) are considered in the report conclusions;
- (5) It is not appropriate to require new foot or cycleway on the site frontage as there is nothing to the north or south that this would link to;
- (6) The Arun Open Space SPD requires contributions for allotment provision on sites of 52 dwellings or more therefore there is no requirement to make such provision on this site; and
- (7) Policy H3 states no more than 25% of dwellings should have 1 or 2 bedrooms whereas this development proposes 38%. This conflict will be discussed in the conclusions.

The applicant has made the following points in response:

- As part of the Neighbourhood Plan review, a site assessment report was produced on behalf of the Barnham and Eastergate Neighbourhood Plan Team and this considers the site to be "suitable for further consideration";
- It was not possible to agree with WSCC Highways to take access from Level Mare Lane therefore no way of avoiding the tree loss. This will be compensated by higher quality trees and hedgerow specimens;
- The site is sustainably located with facilities in walking distance and there is a bus stop on the opposite side of Fontwell Avenue;
- Proposal includes new pedestrian provision through the site from Fontwell Avenue/Level Mare Lane;
- Within the central POS, the planting scheme will include areas of edible varieties, including orchard species, berries and herb spices which can be picked by local residents; and
- Policy H3 is superseded by the more up-to-date Local Plan.

The following comments are offered in response to the Walberton Parish Council objection:

- (a), (b), (c), (g), (h), (j), (k) and (m) are considered in the report conclusions;
- (d) The applicant has provided an Ecology Enhancement Plan and accompanying specification and this has been accepted by our ecologist;
- (e) The proposal has been subject to wildlife surveys which have been appraised by the Council's ecologist who raises no objection subject to conditions;
- (f) Covid-19 is likely to have an impact on the Council's Housing Land Supply situation;
- (i) The Travel Plan has been agreed by WSCC Highways;
- (l) The application will be subject to a CIL contribution which will be used to fund infrastructure improvements. This is considered further in the report conclusions;
- (m) Flooding & drainage are considered in the report conclusions;
- (n) Southern Water commented on the 18th June 2020; and
- (o) There is no formal requirement to carry out pre-submission public consultation.

The following comments are offered in response to the resident objections:

- (1) - (4), (6), (8), (9), (14), (15) & (17) Refer to above responses;
- (5) Character and density are considered in the report conclusions;
- (7) The timetable can be easily checked online;
- (10) It is accepted that the development will not be connected to existing housing developments;
- (11) Noted;
- (12) 5 site notices were posted on Fontwell Avenue and 1 on Level Mare Lane;
- (13) It is accepted that it is of limited width;
- (16) Overlooking is considered in the report conclusions however the Council's standards require 21m

between two storey houses and the distance between the new dwellings and those on the opposite side of Fontwell Avenue is at worst, 26m.

## **CONSULTATIONS**

### **CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENT AGENCY - no objection subject to conditions covering drainage (no infiltration to ground unless approved) contamination and foundation types.

HIGHWAYS ENGLAND - no objection on the basis that the application make an appropriate contribution to the A27 mitigations agreed in the adopted Arun Local Plan.

NATURAL ENGLAND - no objection

SOUTHERN WATER - no objection subject to condition and an informative.

SOUTH DOWNS NATIONAL PARK AUTHORITY - no objection. State that:

- The site is some distance from the South Downs National park and we have no comments to make in terms of direct landscape or visual impacts;
- Matters relating to biodiversity, dark night skies, and loss of minerals resources do potentially have impacts upon the SDNP or its setting;
- Development of the site would entail the removal of a section of hedgerow and young trees in order to create safe visibility splays. If this is essential, then these should be replaced by native hedgerow and tree species and a net gain in biodiversity should be secured;
- Lighting outside of the SDNPA can have a negative impact within it and a condition should be imposed to control the details of lighting.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

WSCC DRAINAGE & FLOOD RISK - no objection. State that:

- Current surface water mapping shows that the proposed site is at low risk from surface water flooding although the adjacent carriageway is shown to be at higher risk;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- The potential for ground water contamination within a source protection zone has not been considered by the LLFA;
- No ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the site.

WSCC MINERALS & WASTE - no objection with the following comments:

- The site is located in an identified safeguarding area for Sharp Sand and Gravel and the proposed development would sterilise the mineral resource;
- The supplied Mineral Resource Assessment concludes that sand and gravel underlying the site has a high clay content, would require considerable processing, and thus is of a poor quality/unattractive for use by the mineral industry;
- It suggests that any substantive prior extraction of the mineral would require backfilling, which would likely render the site unsuitable for the proposed non-mineral development;

- Given the limited quantity of the resource at the site (<50,000 Tonnes), limited size of site that could not support the required processing infrastructure (<2ha), and poor quality of the material (high clay content), prior extraction is unlikely to be practicable;
- ADC need to be satisfied that there is an overriding need for the non-mineral development that outweighs the safeguarded resource as per Policy M9 (b) (iii) of the Joint Minerals Local Plan (2018);
- The site is in 350m of a safeguarded scrap vehicle waste site and ADC should be satisfied that the development would not prevent or prejudice the operation of this existing waste infrastructure as per Policy W2 of the West Sussex Waste Local Plan (2014); and
- ADC should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste.

WSCC HIGHWAYS - no objection subject to conditions. Comment that:

- In comments dated 29/07/20, requested further clarification and detail on the submitted Departure from Standard forms and that the proposed garage dimensions be enlarged to meet 3m by 6m.
- These forms have now been submitted and the garages amended.
- The revised forms now refer to DMRB CD 123 Rev 1 and traffic flows have been clarified as per day. It was also clarified that 85th percentile vehicle speeds at the time of the speed survey were a mixture of dry and wet weather and that the access has been designed to design speed of 70kph whereas the surveys revealed mixed weather speeds of 66kph;
- These forms have been fully reviewed by the WSCC Highway Design;
- It is considered that robust design & visibility parameters have been applied;
- More information has been submitted in terms of mitigation/compensatory measures; and
- The proposal will not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

PORTSMOUTH WATER - no objection provided that all requested conditions (surface water drainage, foul drainage, construction management plan & no piled foundations) are imposed. Comment that:

- The site lies 151m south of a potable abstraction owned by Portsmouth Water and is located within the Source Protection Zone 1c (SPZ1c) for this Public Water Supply Source;
- Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source; and
- All measures to prevent pollution during and post construction are required in order to safeguard the local public water supply.

ADC DRAINAGE ENGINEERS - Advise no objection with standard pre-commencement conditions. Comment that:

- As the site lies in a source protection zone, infiltration to ground may not be possible and any discharge will need to be treated first;
- There are current issues with the drainage scheme, for example the lack of sufficient cover depth over soakaways;
- The applicant made improvements and the detail can now be left to pre-commencement conditions;
- Portsmouth Water and the Environment Agency will need to review the final drainage strategy prior to approval as a result of the source protection zone and the proximity of potable water abstraction borehole; and
- Should the applicant not accept these conditions we would object to and recommend refusal.

ADC HOUSING STRATEGY & ENABLING MANAGER - requires the 13 affordable dwellings be secured by S106 Legal Agreement with a tenure split of 75% rented/25% intermediate housing. The mix should be: 3 x 1 bed, 5 x 2 bed, 2 x 3 bed (rented) and 1 x 1 bed, 1 x 2 bed, 1 x 3 bed (intermediate).

ADC ENVIRONMENTAL HEALTH - no objection. Request conditions on noise/odour pollution, air quality, electric vehicle charge points, construction management, contamination and lighting.

ADC TREE OFFICER - No objection subject to conditions. Comment that:

- There are a number of minor anomalies with this latest tree protection plan (TPP) which is understandable given the amount of information illustrated upon it;
- These anomalies relate to the position of tree protection fencing, which in several locations are impractical and will inevitably lead to RPA incursion - albeit to a tolerable extent;
- The promotion of manual excavation zones within an RPA during construction of footway or roadway is somewhat disingenuous and lacks in a plan B if substantial roots are found;
- Concerned that the position of manhole covers/new sewer connection in the vicinity of T9-T11 differs between that shown on the latest TPP and the Drainage Layout;
- Finds the provision of arboricultural information (notably the TPP) to be adequate but not wholly satisfactory;
- The extent of damage to retained trees is likely to exceed that which is aspired to, although adequate mitigation will be provided in the form of new tree planting; and
- Is generally relieved to see adequate respect and protection for the most important trees growing west & north of the development.

ADC LANDSCAPE OFFICER - no objection on landscape/open space grounds. Request a landscape condition. Note no details of drainage and state these should not be considered in POS areas.

COUNCIL ECOLOGIST - no objection subject to conditions to secure retention/enhancement of hedges, protection of retained hedges during construction, secure details of the lighting scheme, protection of badgers during construction, protection of birds nests and wildlife enhancement measures.

COUNCIL ARCHAEOLOGIST - no objection subject to condition. There is some potential for archaeological interest of local significance in the development area and adverse impact on it could be mitigated through the implementation of an appropriate scheme of archaeological investigation.

THE GARDENS TRUST - no objection and no conditions. State the site is a considerable distance away from the registered area of Denmans Garden and the intervening field and road boundaries are strong with mature trees. Denmans Garden itself has similar screening on its eastern margin. Hence the proposals are unlikely to affect the significance of Denmans Garden.

#### **COMMENTS ON CONSULTATION RESPONSES:**

HIGHWAYS ENGLAND - Highways England have been advised that this contribution cannot be secured through a Section 106 and they instead need to bid for monies from the CIL collected. As per the Highways England response it is not necessary to notify the Secretary of State of any decision that does not include such a contribution.

ADC DRAINAGE ENGINEER - The applicant has agreed to the standard drainage condition no. 10.

ADC LANDSCAPE OFFICER / TREE OFFICER - The lack of drainage detail is noted but can be agreed through a condition and if the applicant is unable to provide a scheme that does not take away POS space then it will not be possible to discharge the condition and the applicant may instead need to resubmit the application to re-agree the layout.

COUNCILS ECOLOGIST - It is not possible to impose a condition to protect birds nests as this is covered

by separate legislation and would therefore fail to meet the 6 tests as per para 55 of the NPPF.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);

CIL Zone 3;

Area of Special Control of Adverts;

WSSC Mineral Consultation Area (Sharp Sand & Gravel);

Part within 500m of WSSC Waste Consultation Area (Sussex Recovery Centre, Fontwell Avenue);

Part within the Lidsey Treatment Catchment Area (eastern edge of the site);

Within 12km of Singleton & Cocking Tunnels SAC;

(Water) Source Protection Zone; and

Part 1:1000 year Surface Water Flood Zone (eastern edge of the site opposite Wandleys Lane junction).

## DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
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
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
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
SDSP1A	SD SP1a Strategic Approach
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

Joint West Sussex M9 Safeguarding Minerals

West Sussex Waste Local Plan 2014:

West Sussex W2 Safeguarding Waste Management Sites

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY ES1

Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY ES4

Protection of open views

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY ES6

Contribution to local character

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY ES8

Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY ES10

Trees and hedgerows

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY ES11

Energy efficiency of new development

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY GA1

Connection to sustainable transport

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY GA2

Footpath and cycle path network

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY GA4

Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY H2

Windfall sites

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY H3

Housing mix

Barnham & Eastergate Neighbourhood Plan 2014  
POLICY H4

Integration of new housing into surroundings

Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. The relevant policies of the Barnham and Eastergate Neighbourhood Development Plan are considered within this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

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

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 relevant development plan policies in that it would result in development outside of the defined settlement boundary in the Arun Local Plan and is not a small scale development so does not comply with the Barnham and Eastergate Neighbourhood Development Plan. In addition, there is conflict with the Council's soils policy.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031 (ALP), the Barnham & Eastergate Neighbourhood Development Plan (BENDP) 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 BENDP and the ALP, should therefore be resolved in favour of the latter.

Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). Policies in the BENDP that relate to the supply of housing (H2) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Para 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. Criteria (a) to (d) are not applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1 and C SP1 of the Arun Local Plan.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". However, it is no longer planned to prepare such a document and instead the Local Plan will be subject to a formal review. Barnham and Eastergate Parish are however working on a review of their Neighbourhood Plan.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure

development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is rural in character and is roughly equidistant between the edge of the Eastergate BUAB to the south west (210m) and a large site known as "East of Fontwell Avenue" to the north east (280m). The latter has outline permission for 400 homes, up to 500m<sup>2</sup> of retail/community space, 5000m<sup>2</sup> of light industrial floorspace, public open space, play areas and allotments. This site will provide residential occupiers in the area with additional shops/facilities & places of employment thus potentially reducing car based journeys.

The applicant has provided a diagram in their Design & Access Statement which demonstrates that within a 800m (10min) walking distance of the site are bus stops, a shop/post office and a doctors surgery. In addition, there are bus stops within a 500m (6min) walking distance. There are further facilities in a 15 or 20min walking distance.

Whilst the private car could be required for longer distances, residents would not need to rely on a car for local journeys. The proposal includes a Travel Plan which is designed to encourage site users to travel by sustainable modes. Residents would be provided with a free £150 voucher towards cycling equipment/bus passes to be funded by the applicant.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposal. As this site lies outside the nearest BUAB it is categorised as being in the countryside and the scheme conflicts with ALP policy C SP1.

Barnham and Eastergate Neighbourhood Development Plan (BENDP):

The BENDP was made in July 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The BENDP does not set a built up area boundary and policy H2 simply states that "Permission will be granted for small residential developments on infill and redevelopment sites within the parishes subject to the policies of this plan being met." The policy does not define what is considered small but in the context of the size of the site/number of units and the surrounding low density built form & semi-rural environment, it is not considered that this proposal would be considered small-scale. For this reason, it would be considered to conflict with policy H2.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot demonstrate a 5-year Housing Land Supply (HLS) and para 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii)

test will be applied at the end of this report.

**Other Material Considerations:**

The following is a discussion of material considerations which may indicate that the proposal should be determined other than in accordance with the development plan.

On 12 February 2020 in respect of appeal APP/C3810/W/19/3236911, a Planning Inspector stated that the Authority was only able to demonstrate a 2.9 years HLS. The Council is of the view that its AMR evidence is robust but that needs improvement. The Council is of the view that this will be more concise and transparent via signed Statements of Common Ground for Strategic Allocations and the authority is pursuing this. In the interim, the position on the 5 year HLS remains at 2.9 years as determined by this appeal.

The Council will update its position in December 2020. The Council needs to consider the effects of Covid-19 on the economy and housing market and it is not likely that the Council will be able to demonstrate a 5 year HLS by December.

In February 2020 (a day after receipt of the above appeal), the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The above appeal position reflects this buffer.

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help to maintain delivery rates and this may have to include sites outside the built up area boundary. It would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

This site (NEWEG2) is shown in the 2019 HELAA and considered to be available and suitable in principle for future housing potential, possibly in conjunction with adjacent sites, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints.

It should also be noted that the current housing land supply target set out within the ALP includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (NSS-DPD). The Council does not now intend to pursue this NSS-DPD and will instead be revising the Local Plan. However, this additional allocation remains relevant and may be higher in the future.

**Conclusion on Matters of Principle:**

The principle of development is contrary to the local and neighbourhood policies in the development plan. The policies of the ALP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Policies in the BENDP that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

This application should not be determined as being unacceptable in principle and the development of this

countryside site can be considered acceptable subject to assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

#### PREMATURITY

Paras 48-50 of the NPPF explain how the limited circumstances in which it may be justified to refuse an application on the basis that it is premature. In particular para 50 states "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or - in the case of a neighbourhood plan - before the end of the local planning authority publicity period on the draft plan."

There is currently public consultation taking place on the revised BENDP but it has not yet been submitted to Arun District Council for regulation 14 pre-submission consultation & publicity (which is the stage at which it should be referred to in reports as a material consideration) and on that basis, it is not considered that a refusal on grounds of prematurity can be justified at this time.

#### AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification Report which concludes that 97% of the site is Grade 3a (Good Quality) with the other 3% in non-agricultural use. Grade 3a is at the lowest end of the best & most versatile agricultural land classification. The site is not currently used for agriculture and historic aerial photography back to 2001 does not evidence any form of arable use. The applicant advised the owner has not used it for agricultural purposes in the last 43 years. Instead, it has been used for the grazing and exercise of horses.

ALP policy SO DM1 considers soils. It states: "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 such land in the long term."

In allowing an appeal at Clays Farm, Yapton which concerned a refusal on loss of grade 2 agricultural land (Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site itself would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector considered the loss of grade 2 agricultural land represented only moderate harm. The Inspector decided the benefits of the proposal including economic & social benefits alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the grade 2 land. The appeal was allowed. This appeal decision shares many similarities with this application and it is considered a similar conclusion could be reached.

It is considered that the need for this development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 3a agricultural land can be outweighed particularly as the land is at the lower end of the agricultural scale, the land is not currently used for agriculture and there is no realistic possibility of it being so used. This echoes the approach taken by the appeal Inspector concerning the site at Clays Farm.

The policy makes it clear that in order to outweigh the loss of the agricultural land, the criteria (a) to (c) should be met. In this case, the applicant was requested to provide reports to cover these criteria but instead wrote to argue that:

- The HLS deficit outweighs the loss of agricultural land;

- The site area that comprises agricultural land amounts to just 1.5 hectares which would not be able to support viable agricultural activities in isolation;
- Arun benefits from having a high proportion of land that falls within the best and most versatile (BMV) classification grades. According to Defra estimates, around 64% of agricultural land in the Arun District is best and most versatile (Grades 1, 2 and 3a) compared to around 42% nationally;
- The development of the site would represent an insignificant reduction in agricultural land area in overall terms, particularly as this site falls at the lowest end of BVM scale; and
- Regard should be had to the Clays Farm appeal decision.

Notwithstanding the arguments presented, the application conflicts with criteria (a) to (c) and the need for the development cannot be considered to override the loss of the land in the context of the policy.

Policy SO DM1 then states that if development is to be permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the site. The applicant has provided a Soil Resource Plan which outlines measures to remove topsoil, protect it, treat it and then reuse it in the development of the site (for public open space and gardens). This will be secured by condition 16.

The application conflicts with policy SO DM1 as a whole and this harm will need to be weighed against the benefits of the development in respect of the final balancing exercise at the end of the report.

#### MINERALS SAFEGUARDING:

The site is located in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan (2018). Policy M9 (b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The applicant provided a Mineral Resource Assessment and the Council has consulted with WSCC Minerals & Waste. Their comments are summarised in the consultations section. They do not consider that prior extraction is practicable and that the material is of a poor quality/unattractive for use by the mineral industry. It is considered that the proposal would comply with criteria (iii) of the policy as there is an overriding need for new residential land development to counter the Council's current HLS deficit.

#### WASTE SAFEGUARDING:

The site is located within 350m of a safeguarded scrap vehicle waste site defined by the West Sussex Waste Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The site in question is currently in use as a car salvage centre. The application site is a significant distance away and there are residential uses in between. It is not considered there will be any impact and therefore no conflict with this policy.

#### HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the 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."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

Para 108 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 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above and 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. Therefore, the proposal is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

Members may wish to note that the provision of an access onto Level Mare Lane was assessed and discussed at length with WSCC during pre-application discussions. At that time, WSCC were concerned over the suitability of the Level Mare Lane/A29 Fontwell Avenue junction, given the traffic already present on Level Mare Lane and the flows on the A29 Fontwell Avenue in this location, which will be increasing as part of the A29 realignment scheme.

During pre-application discussions, WSCC confirmed that they would not accept a net increase in trips at the Level Mare Lane/A29 Fontwell Avenue junction without the implementation of a right turn lane, given the flows on Level Mare Lane. Due to the extent of highway boundary land available it is not technically possible to widen the road to accommodate the improvements required to the Level Mare Lane/A29 Fontwell Avenue junction to provide a right turn lane. Therefore, access via the Level Mare Lane/A29 Fontwell Avenue junction is not acceptable in its current form.

The Council recently adopted a Parking Standards Supplementary Planning Document (SPD). This sets out a need for a total of 96 spaces (88 allocated & 8 visitor). The proposal is for 70 allocated parking spaces (including 6 car ports), 16 allocated garage spaces and 9 visitor spaces. As garages are treated as half a space each, the total provision is 87 and this is 9 short of the required total. The Parking Standards SPD allows for a 10% variation to be provided if a Travel Plan, travel incentive or public transport contribution is provided and there are no restrictions on where in the district this variation can be applied. The applicant provided a Travel Plan and new residents would be provided with a £150 voucher towards cycling equipment/bus passes. Therefore, a 10% reduction is acceptable and the proposal is therefore compliant with the policy (as it meets the requirement and indeed exceeds it by 0.6 spaces).

Policy GA4 of the BENDP states that "Development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity."

ALP policies T SP1 & T DM1 require development to reduce the need to travel by car and give priority to pedestrian and cycle movements. As discussed elsewhere, this site is considered to be in an location

that means its occupiers will not be car reliant. Cycle storage spaces will be provided and a condition will be imposed to ensure this. To accord with Policy T SP1 of the Arun Local Plan, the Arun Parking Standards SPD requires 1 space for 1 & 2 bed houses and 2 spaces for 3+ bed houses.

The proposal is compliant with the development plan policies and the guidance on highway safety within the NPPF.

#### HERITAGE:

The site is around 600m from Denmans Garden which is a Grade II Listed Park/Garden of Special Historic Interest in England. This is a material consideration in the determination of this application and the Council must consider the impact on the landscapes special character.

The site is some distance from the Garden and there is intervening development & land in between including a large car park associated with Global Technologies Racing and Fontwell Park Racecourse. In addition, the northern boundary of the site onto Level Mare Lane is well screened by trees which are to remain. As such, the proposal is not considered to have any direct impact on the asset. There may be some indirect impacts if there is an increase in vehicle movements along Level Mare Lane, however, as the Level Mare Lane/A27 junction is not as attractive in road safety terms to the A29 roundabout (particularly in terms of getting onto the A27), it is not considered that any increase will be significant and therefore there will be no harm to the Grade II Listed Garden.

The Council has consulted with the Gardens Trust and they have not raised an objection.

#### HOUSING MIX:

ALP policy HDM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

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

The proposed development comprises the following housing mix:

- 4 x 1 bed dwellings (10%);
- 12 x 2-bed dwellings (29%);
- 22 x 3-bed dwellings (51%);
- 4 x 4-bed dwellings (10%).

BENDP policy H3 states that no more than 25% of dwellings should have 1 or 2 bedrooms whereas this development proposes 39%. Policy H3 is therefore skewed towards the provision of larger houses and this is in conflict with the approach suggested by the more recent SHMA evidence. The mix is considered to accord with the SHMA approach and whilst there is conflict with policy H3 this has reduced

weight due to it being an older policy.

#### LANDSCAPE & TREES:

ALP policy D DM1 states that development is expected to incorporate existing and new tree planting as an integral part of proposals. LAN DM1 states "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas". D SP1 also requires development proposals to reflect the characteristics of the site and local area in their landscaping.

ALP policy ENV DM4 states "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

BENDP policy ES10 states: "Development that damages or results in the loss of ancient trees or trees or hedgerows of arboricultural and amenity value will not be supported. Development proposals must be designed to retain ancient trees or trees or hedgerows of good arboricultural and amenity value. A minimum buffer of at least 15 metres in width should be maintained between ancient woodland and any development boundary; Proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained; Plans for tree planting on new developments of more than 3 dwellings or commercial developments over 300 square metres must anticipate the effects of climate change."

The site is some distance from the South Downs National park and the Park Authority do not consider that there will be any impact on its landscape or visual amenity. The Councils Landscape Officer raises no objections in respect of landscape impact. The submission also includes a Landscape Visual Appraisal with Impact Statement which concludes that:

- The site is well related to the settlement of Fontwell;
- The site is enclosed to the north, west and east by hedgerows and tree belts beyond the site's boundary. This boundary limits the physical and visual connection to the adjacent road corridors;
- To the west, the site is bound by pastoral fields and built form associated with Northfields Farm;
- To the south the site is located adjacent to Northfields Cottages;
- Sensitive residential scale development within the site set within the retained and supplemented landscape framework would not significantly alter the character or amenity of the range of visual receptors;
- The development of this settlement fringe site forms a local extension to Fontwell;
- There are no significant overriding landscape constraints to the delivery of new homes on this site; and
- Whilst such delivery represents change, the change in is able to reflect the character of the local area.

The application proposes to remove 13 category B trees and a section of the existing hedgerow along Fontwell Avenue in order to facilitate the new access. The section of hedge to be removed is interspersed with Trees T11-T16 (T12-T16 are being removed) and is approximately 110m long and

2.1m wide. Additional non native, category B hedgerow is to be removed along the southern boundary due to the need to put in new parking spaces. This hedge is approximately 24.5m long and 2m wide.

The Tree Officer considers that that layout is positive in respect of there being no loss of or harm to the established trees to the northern and western boundaries. However, there is disappointment in terms of the loss of the trees along the Fontwell Avenue frontage and this can only be agreed on the basis that compensatory planting is significant. The Tree Officer advises that the proposal should be achievable in arboricultural terms with conditions but that he cannot fully support the proposal.

In respect of policies ENV DM4 and ES10, the proposal does not remove trees in the interests of good arboricultural practice or to enhance the survival & growth prospects of other trees. The loss of the category B trees is outweighed by the need for development to improve the Council's current housing land supply shortfall. None of the trees are considered to be ancient and none are currently protected. A number of new trees and hedges are proposed to off-set the loss of existing specimens and this is analysed in detail in the following section in respect of biodiversity net gain.

Overall, it is considered that the proposal is in accordance with ALP policies D DM1, LAN DM1, ENV DM4 and with BENDP policy ES10.

#### **BIODIVERSITY:**

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The application is accompanied by an Ecological Impact Assessment Report, an Ecological Enhancement Plan and an accompanying specification. The latter two documents set out measures to offset the loss of the grassland habitat and trees/hedges. The Assessment includes the results of reptile and badger surveys. No protected species were found but it was noted that bats were likely using the trees and vegetation down the western boundary and mitigation, compensation and enhancement is proposed to ensure no significant harm.

The Council's ecologist raises no objections subject to various conditions to secure the protection & enhancement of retained hedges, details of new lighting, protection of badgers during construction and the proposed wildlife enhancement measures. The South Downs National Park Authority provide advice regarding biodiversity and raise no objections subject to new native landscaping to replace that which will be lost and wildlife enhancement measures.

It is considered the retention of the northern and western tree planting ensures there is no significant impact on the flight lines of bats crossing the site in accordance with South Downs policy SD10.

In respect of biodiversity net gain, it is acknowledged that the proposal will result in the loss of 13

category B trees and two sections of existing hedgerow. The Council's ecologist asks that any trees lost are replanted on a 2 for 1 basis (so 26 new trees). The Council's Tree Officer also asked that any planting scheme is ambitious and is dominated by native tree species of potential stature (min. 10-15m ht.).

The applicant has indicated 40 new trees will be planted within the site confines. Whilst the exact mix is yet to be established, 31 trees will have the potential to reach 10-15m high and a large proportion of these will be natives. The submitted indicative colour landscape layout plan shows the placing of new trees and it is considered that some of these locations may not be practical in the long term due to being between/adjacent to parking spaces or adjacent to built features. However, it also indicates 17 new trees within hedgerow along the Fontwell Avenue frontage.

The full detail of the new trees (and new hedges) would be secured by the landscaping condition and will be assessed at the condition discharge stage. Members may wish to note that the standard condition wording has been amended to specifically require at least 26 new native trees to include specimens that will potentially grow to 10-15m high.

It is not possible to say for certain at the time, that there will be a biodiversity net gain as this is dependent on the new trees/hedgerows being secured through the detail of the post approval landscaping scheme. However, it is considered likely that the applicant will be able to provide 26 new trees to offset the loss and that this together with the other enhancement measures will result in an overall biodiversity net gain. Therefore, the proposal is considered to comply with the NPPF para 175 and with ALP policy ENV DM5.

#### CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features.

It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

Paragraph 127 of the NPPF states "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The emerging Design Guide completed its initial consultation period, has been modified in response to

comments received and is subject to a further 4 week consultation in accordance with regulation 12b of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). This will end on the 14th October 2020.

The National Design Guide has full weight as a material consideration in the determination of this application. This states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan.

The applicant provided a detailed Design and Access Statement (DAS) which includes an assessment of the scheme versus the emerging Design Guide and also refers to the characteristics set out in the National Design Guide. The DAS sets out the following key principles behind the layout/design:

- (1) Landscape led, with key views to the Western boundary maintained and housing pulled back from the Eastern boundary;
- (2) A green space forming the heart of the scheme with housing fronting onto it and informal play in it;
- (3) Viewpoints down Wandleys Lane addressed by the position and orientation of the buildings;
- (4) Native planting to the eastern boundary of the site will be reinforced to create a natural visual buffer along Fontwell Avenue;
- (5) The building lines on the site do not follow the geometry of the roads creating an informal semi-rural character.
- (6) Affordable homes to be in a mixture of forms (apartments and houses) and designed to be tenure blind;
- (7) The western edge maintained as a linear green space; and
- (8) An architectural approach is in keeping with West Sussex vernacular to create a sense of place based on the surrounding context in Fontwell and Eastergate.

It is considered that the layout as is visually interesting with different areas of open space, a variety of built forms and retention of much of the existing planting. The two ends of the site are denser than the centre but these areas have the best existing screening whilst the centre is clearly visible from Fontwell Avenue and the layout recognises this by directing such views to an area of open space with houses fronting onto it. This space will draw the eye and create a sense of place within the site. The northern and southern ends of the site do have a plethora on frontage parking however this is acceptable as these areas are screened from outside views.

The dwellings are considered to be appropriately mixed with different materials, roof heights, roof forms, window and door designs. Also included is a two storey apartment building and four FOG buildings which have a dwelling over a garage. The Design & Access Statement refers to materials being predominantly red stock brick combined with plain clay tiles but with painted brick on key buildings and some reconstituted slate roofing & weatherboarding. However, the exact materials will be controlled by condition. The dwellings are considered to reflect the local architectural vernacular

It is not considered that the development will harm the character and appearance of the locality and does not result in significant harm to the visual amenities of the site/surroundings. The proposal is considered to comply with the relevant design policies.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be

had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The Council's emerging Design Guide completed its consultation stage (09/01/20 to 21/02/20) and sets out guidance on interface distances between houses. Distances between dwellings are given as:

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

There are no standards given for either front to side, side to side or front to back.

Whilst on plan, the northern and southern ends of the site appear denser than the centre, this is largely due to the parking spaces being centralised in these areas. In fact, the majority of the proposed buildings are well spaced apart. The exceptions are as follows:

- Rear of no. 28 is only 11m to the side of no. 30;
- Rear of no. 1 is only 11m from the side of no. 2; and
- Rear of no. 15 only 7.5m from the side of no. 16.

The shortfall is acceptable in all three cases as each of three respective flank elevations have no first floor windows. Two further issues were identified during the determination: that the front elevation of the flatted building looks onto the rear gardens of plots 40-42; and that the rear of plot 12 looks straight onto the garden of no. 13. These were resolved through obscure glazed fixed shut first floor windows to the front of the apartment building (these windows serve kitchens & bathrooms); and by having plots 12 & 23 have roof lights rather than rear windows to their bathrooms.

It is not considered the proposal will cause harm to the amenities of future residential occupiers. The nearest existing dwellings are considered to be too far away such that the interface distances all far exceed the guidance in the Design Guide.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The submitted accommodation schedule (Rev P) provides a breakdown of the internal floor areas for all of the dwellings. This has been checked for accuracy but demonstrates that all of the dwelling meet or exceed the required internal floor space standards.

There are no policies in the ALP relating to garden sizes but the emerging Arun Design Guide sets out standards for garden sizes for houses consisting of:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of

17m. At least 3sqm of useable space; and

- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The same accommodation schedule provides the rear garden lengths of each dwelling. This demonstrates that 56% of the houses have rear gardens of 10.5m or more. The exceptions being plots 2 & 14 which are 9m deep and plots 7, 8, 20, 21, 22, 24, 25, 26, 28, 29, 30, 31, 32, 33 & 34 which are 10m deep. The 10m long garden instances are acceptable as the Design Guide is not yet adopted and even when adopted will be guidance not policy. The 10.5m distance is partly required to ensure a 21m back to back interface distance and none of the plots in question have a substandard back to back distance.

In respect of plot 2, it should be noted that this has a road to its rear and that it is as wide as it is deep therefore the rear garden space is not inadequate. Plot 14's rear garden is around 7m wide so has an overall area of 58m<sup>2</sup> but this space is afforded decent light due to being south west facing and is also adjacent to public open space. Front garden depths are not provided by the schedule but it is not considered that the layout is inadequate in this regard.

The four FOG properties were subject to alteration through the course of the application such that the plans now show them to have 4.3m<sup>2</sup> balconies to the first floors. These respect the building to building interface distances in the Design Guide. The flats either have 11m deep side gardens (ground floor) or 4 m<sup>2</sup> balconies (first floor) and there is communal space to the front of the building.

Whilst there is some shortfall in the requirements of the Design Guide, this is both emerging (not adopted) and guidance only. Furthermore, the majority of gardens are also wide such that they remain sufficient spaces and there will be no significant harm to the amenities of future residential occupiers.

#### **WASTE MANAGEMENT:**

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

The site plan and road layout have been tracked for a refuse vehicle swept path. The proposed refuse strategy is a mixture of kerbside collection, bin collection points and bin stores.

WSCC Highways have no objections to the ability of refuse vehicles to access and leave the site in a forward gear and therefore, the proposal is considered to comply with policy WM DM1.

#### **NOISE & AIR POLLUTION:**

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. ALP policy QE DM1 states that residential development likely to experience noise from road must (a) be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The proposal includes a footpath onto Level Mare Lane in addition to a crossing point on the A29 from the site to the existing footway on the opposite side. The site is considered to be in a sustainable location situated between the edge of Eastergate and the new Fontwell development to the north. New residential occupiers will be able to walk, cycle or take a bus to access nearby facilities.

The application is supported by a noise impact assessment which considers noise both current and future. It proposes mitigation measures in the form of acoustic glazing to those properties closest to the A29 plus acoustic fencing to the affected gardens.

The Environmental Health officer raises no objections and request conditions be imposed to secure the noise mitigation measures, protect dwellings near the southern boundary from odours emanating from the equestrian uses, mitigate air pollution to the new dwellings, implement electric car charge points and control new lighting.

On this basis, there is no conflict with the relevant policies.

#### **FLOODING, WATER POLLUTION & SURFACE WATER DRAINAGE:**

Notwithstanding the concerns of residents, according to Council records, the majority of the site does not lie in an area at risk from current or future flooding. The exception is a small area along the frontage (broadly in front of plots 3-6) at risk from surface water flooding based on a 1:1000 year event. This is believed to be as a result of a watercourse along Wandleys Lane which enters a culvert under the A29 and which floods back onto Wandleys Lane/Fontwell Avenue in high rainfall events. This represents an extremely low risk and does not necessitate any mitigation measures. The Environment Agency raise no objections or request any flood prevention mitigation measures.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." Policy W DM1 seeks to protect existing water supplies from foul & surface water discharges. BENDP Policy ES1 requires that development reduce the overall level of flood risk in the area and that conditions be imposed to ensure an effective surface water drainage scheme.

This application has seen considerable negotiation between the applicant and the Council's drainage engineers due principally to the source protection zone (SPZ) below the ground (this is a chalk aquifer) and the fact that groundwater levels in this area are very shallow meaning that infiltration has the potential to pollute the water supplies below ground. It is also noted that there are two water bore hole extraction points in the local area (one further north up Fontwell Avenue and the other at the western end of Level Mare Lane). As such, any infiltration has to be very shallow to avoid polluting the SPZ.

The Environment Agency state they will only agree to deep infiltration if the discharge is indirect, shallow infiltration has first been ruled out, the system is no deeper than is required to achieve soakage, pollution control measures are in place, a risk assessment has been provided and there are sufficient mitigating factors to compensate for the increased risk. Their position is that the application can be granted permission as long as conditions are in place to agree drainage post permission. They and Portsmouth Water request conditions to protect the SPZ including control of foundation details (approval of the use of piling) construction management and contamination.

The Council's Drainage Engineers have removed their holding objection and agree that the drainage layout can be reserved to a condition. This is condition 10 in the recommendation. The applicant will be reminded that should it not be possible to agree the drainage scheme by condition then they will need to re-apply in order to agree a new layout.

The applicants have now also demonstrated that they can fit in their drainage scheme with a 5m offset to buildings/roads and that this scheme separates roof water from road water and keeps all infiltration devices relatively shallow (at least 1.4m below ground level). This detail will then need to be reviewed at the condition discharge stage by Portsmouth Water and the Environment Agency.

On this basis, there is no conflict with the relevant policies.

#### FOUL DRAINAGE:

The Lidsey Treatment Catchment Area designation only affects a part of the site and covers those dwellings which will be fronting the A29 (roughly plots 1-15 & 36-42). 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.

The same policy requires a drainage impact assessment for sites in the Lidsey catchment area and this has been provided. The application proposes to connect to the existing main sewer to the South East of the site using a gravity based system. The Statement concludes that based on the size of the catchment, the percentage increase in flows to the treatment works is not significant.

Southern Water raised no objections to the initial consultation with only a standard foul drainage condition (i.e. they did not request any phasing of the occupation of the dwellings whilst network reinforcement is carried out). Southern Water have been sent the Drainage impact Assessment and responded on 06/11 to state they had no further comments. As an Assessment has been provided and as Southern Water raise no objection, there is no conflict with policy W DM1.

#### ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. In addition, ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application includes an Energy Statement which sets out full details of the proposed energy reduction strategy. This shows that the proposed development:

- will promote walking and cycling, and deter private car ownership;
- will minimise internal water consumption to 105 litres per person per day;
- will incorporate measures to maintain and improve site biodiversity, including retaining the existing boundary vegetation and including biodiverse planting;
- will reduce surface water runoff rates through the use of sustainable drainage measures, including permeable paving, soakaways;
- will minimise energy demand through the specification of low U-values, low air permeability and low thermal bridging to reduce heat loss;
- the site has been assessed on the basis of Air Source Heat Pump (ASHP) technology to serve the space and water heating demands of the proposed dwellings;
- however other technologies could be applied in the future e.g. PV, Ground Source Heat Pump and Solar to achieve the same results; and
- will exceed the ADC carbon dioxide emissions reduction requirements through on-site means alone, with a minimum 13.7% reduction in CO<sub>2</sub> emissions for apartments and 29% for houses.

The applicant states that these proposals indicate that they are going over and beyond the policy requirements in particular with the use of fossil fuel free buildings ready for the 2050 zero carbon economy, a greater CO<sub>2</sub> reduction than required by Arun Policy (10%) and options to supplement this with PV panels.

Much of these are inherent in the design of the scheme or are covered by other conditions however a condition will be imposed to secure the energy efficiency/reduction measures. On this basis, it is

considered that the proposal complies with policies ECC SP1 and ECC SP2.

#### **AFFORDABLE HOUSING:**

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The Councils Housing Strategy and Enabling Officer requires that 13 affordable dwellings are secured by a Section 106 Legal Agreement. This should comprise a tenure split of 75% rented and 25% intermediate housing with the mix being: 3 x 1 bed, 5 x 2 bed, 2 x 3 bed (rented) and 1 x 1 bed, 1 x 2 bed, 1 x 3 bed (intermediate).

The site layout has been designed to be tenure blind between private and affordable units. The affordable units are clustered together in the north of the site (plots 30-42) which allows for easier maintenance by a Housing Association but the mews court approach is also reflected in the private housing areas to the south of the site which includes terraced housing and Flats Over Garage units (to provide passive surveillance of parking courts). The design philosophy is based on creating smaller more intimate spaces off of the primary and secondary access roads and this approach is not based on tenure.

The affordable housing provision will be secured by a S.106 legal agreement and on this basis, the proposal will accord with policy AH SP2. However, there is some conflict in that Policy AH SP2 also requires that large groupings of single tenure dwellings or property types should be avoided.

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

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 3465m<sup>2</sup> of Public Open Space (POS) which includes the 508m<sup>2</sup> required for LAP and LEAP play areas.

The layout includes 3,471m<sup>2</sup> of POS which exceeds the requirement. This quantum includes green space, new landscaping, the footpaths along the western edge of the site and areas for play (although the latter is to be agreed by condition). These spaces will also allow for biodiversity incorporation and the Councils Landscape Officer considers that the total offer is acceptable. The play space requirements are for one Local Area of Play (LAP) and one Local Equipped Area of Play (LEAP). The applicant has provided an indicative plan showing a 'trim trail' around the site with other natural play features although the play provision will be agreed by condition therefore it not being determined at this time.

It is not appropriate to provide on-site playing pitch or indoor sport/leisure provision on a site of this size and it not possible to secure any off-site contributions for such through a S106 Agreement as this site is liable for CIL. The Council will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere in the district. The on-site POS and play provision will be secured by condition. There is no conflict with policy OSR DM1 whilst the play offer will be agreed at a later stage through the discharge of the condition.

#### **SUPPORTING INFRASTRUCTURE:**

ALP policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community" and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for

planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

The introduction of CIL it is no longer possible to secure financial contributions for off-site projects through a Section 106. This development is CIL liable and the contribution of £394,300.00 (minus any relief subsequently applied for) will be collected upon the commencement of development.

Infrastructure providers such as WSCC and the NHS can then make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will be provided a portion of the CIL receipts. These payments go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

#### **SUSTAINABLE DEVELOPMENT & NPPF PRESUMPTION:**

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 11 of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can currently demonstrate a Housing Land Supply (HLS) of 2.9 years and as such there is a significant shortfall and hence, its policies most important for determining applications for residential development are considered to be out of date. To be able to benefit from the presumption, the proposal must be assessed as being sustainable development and this assessment should consider environmental, social and economic factors.

Although a countryside site, the site is sustainably located being as it roughly equidistant between the edges of two nearby Built Up Area Boundaries (BUAB). The site entrance is 350m from the edge of the BUAB to the south and 330m from the edge of the BUAB to the north (this being the edge of the Fontwell Avenue site approved for new residential dwellings, employment floorspace and non-residential floorspace).

It is considered that residential occupiers can realistically use alternative methods of transport to the car to access nearby shops, services and places of employment. These include walking, cycling and public transport. The applicant includes a travel plan which proposes that new residents be provided with a free £150 voucher towards cycling equipment/bus passes. The site's development results in a loss of trees and some other wildlife habitat (albeit limited in value), however the proposal will also include new tree planting and biodiversity enhancement measures.

The proposal includes 13 new affordable homes and a total contribution of 42 dwellings to contribute to the Council's current housing land supply shortfall and meet future needs. In addition, the on-site open space and play will be accessible by existing residents in the area and the addition of a pedestrian crossing on the A29 will benefit all local people.

The application includes a statement on likely economic benefits of the development which quantifies the impacts and includes references to new jobs and new spending by occupiers. This includes 58 direct construction jobs, 88 indirect & induced construction jobs, first occupation expenditure of £355,000, resident expenditure per annum of £1.15m, £77,000 additional Council Tax receipts and £75,000 in New Homes Bonus payments. Furthermore, CIL receipts could be used to contribute towards local infrastructure. This does need to be contrasted with the impact of the loss of the agricultural land but as noted elsewhere, the site has not been in an agricultural use for at least 43 years.

Members should note that that the New Homes Bonus and Community Infrastructure Levy are local finance considerations and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

On balance, it is considered that the proposal does meet the economic social and environmental aspects of sustainable development and therefore the presumption in favour of sustainable development is engaged. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report finds no adverse impacts associated with the proposal and as already noted, there are significant benefits to take account of. Therefore, it is considered that as per the NPPF, the proposal should be approved.

#### **SUMMARY:**

There is some conflict with policies in the development plan concerning the development of a countryside site, loss of agricultural land and the concentration of affordable homes. However, the policies of the development plan relating to the supply of housing have reduced weight as the Council is not able to demonstrate an adequate supply of housing land.

Furthermore, although there is some shortfall in some gardens & interface distances, this is stated to be acceptable within the report and members should also note that the emerging Design Guide will, when adopted, be guidance not policy (and therefore allows for a flexible approach).

The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply and maintain/improve housing delivery rates.

The proposal is considered to be acceptable and it is recommended for approval subject to the following conditions. Notwithstanding, if the Section 106 is not signed within 4 months, then the application shall be refused for the following reason:

(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 National Planning Policy Framework (in particular paragraphs 62-64) and policy AH SP2 of the Arun Local Plan.

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

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

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

## SECTION 106 DETAILS

A section 106 Legal Agreement will be signed and will cover the provision of Affordable Housing, specifically, 13 dwellings consisting of 10 affordable rented dwellings and 3 intermediate dwellings. These will be provided not later than 50% occupation of the development.

## CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £394,300.00 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). The Parish Council would receive a 25% share of this money (£98,575) albeit subject to whether any relief is claimed.

## RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

29662A 20 Rev D "Location Plan";  
 29662A 100 Rev A1 "Site Block Plan";  
 29662A 100 3 Rev B "Housetype: 1 Bed Affordable Apartment plans and elevations plots 36, 37, 38 & 39";  
 29662A 100 4 Rev B "Housetype: 1 Bed Affordable Apartment plans and elevations plots 36, 37, 38 & 39";  
 29662A 101 1 Rev B "Housetype: 2 Bed Affordable Plans & Elevations plots 31, 32, 33, 41, 42";  
 29662A 101 2 Rev B "Housetype: 2 Bed Affordable Plans & Elevations plots 31, 32, 33, 41, 42";  
 29662A 102 1 Rev B "Housetype: 3 Bed Affordable OP1 Plans & Elevations plots 30, 34 & 40";  
 29662A 102 2 Rev B "Housetype: 3 Bed Affordable OP1 Plans & Elevations plots 30, 34 & 40";  
 29662A 103 1 Rev D "Housetype: FOG Plans and Elevations 16 & 35";  
 29662A 103 2 Rev D "Housetype: FOG Plans and Elevations 16 & 35";

29662A 103 4 Rev D "Housetype: FOG Plans and Elevations 12 & 23";  
29662A 103 5 Rev D "Housetype: FOG Plans and Elevations 12 & 23";  
29662A 104 1 Rev B "Housetype: 2 Bed Private OP2 Plans & Elevations plots 13 & 14";  
29662A 104 2 Rev B "Housetype: 2 Bed Private OP2 Plans & Elevations plots 13 & 14";  
29662A 105 1 Rev B "Housetype: 2 Bed Private OP3 Plans & Elevations plot 20";  
29662A 105 2 Rev B "Housetype: 2 Bed Private OP3 Plans & Elevations plot 20";  
29662A 106 1 Rev B "Housetype: 3 Bed Private OP1 Plans & Elevations plots 8, 9, 10, 18, 19, 24, 25, 28 & 29";  
29662A 106 2 Rev B "Housetype: 3 Bed Private OP1 Plans & Elevations plots 8, 9, 10, 18, 19, 24, 25, 28 & 29";  
29662A 107 1 Rev C "Housetype: 3 Bed Private OP2 Plans & Elevations plots 1, 2, 3, 7, 11 & 27";  
29662A 107 2 Rev C "Housetype: 3 Bed Private OP2 Plans & Elevations plots 1, 2, 3, 7, 11 & 27";  
29662A 108 1 Rev C "Housetype: 3 Bed Private OP3 Plans & Elevations plots 5, 6, 21 & 22";  
29662A 108 2 Rev C "Housetype: 3 Bed Private OP3 Plans & Elevations plots 5, 6, 21 & 22";  
29662A 109 1 Rev C "Housetype: 4 Bed Private OP4 Plans & Elevations plots 4, 15, 17 & 24";  
29662A 109 2 Rev C "Housetype: 4 Bed Private OP4 Plans & Elevations plots 4, 15, 17 & 24";  
29662A 110 Rev B "Site Roof Layout Plan";  
29662A 120 Rev B "Site Section A-A";  
29662A 121 Rev B "Site Section B-B";  
29662A 503 Rev C "Garage Floor Plans and Elevations";  
29662A 504 Rev A "Car Port Plan";  
020.0360.001 "Access Design";  
020.0360.002 "Pedestrian Visibility Splays";  
020.0360.003 "Access Tracking";  
020.0360.006 Rev B "Level Mare Lane/Fontwell Avenue Junction Visibility Splays";  
020.0360.009 "Vehicle Tracking";  
020.0360.010 Rev A "Fire Tender Tracking";  
020.0360.011 Rev A "Refuse Tracking";  
020.0360.012 "Fontwell Avenue Tracking";  
Schedule of Accommodation ref 29662A Rev R (03/11/20); and  
Design & Access Statement May 2020, Ref F.

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

- 3 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 4 The development must be carried out in accordance with the Ecological Enhancement Plan ref LLD1544-ECO-DWG-001 and the accompanying Ecological Enhancement Specifications. The enhancements and mitigation measures shown on the drawing shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected and enhanced. There must be a 5m buffer zone in

place secured by fencing around the retained hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

Reason: Bats use the hedgerows for foraging and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

- 6 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. This is required to be a pre-commencement condition because the commencement of construction work could harm any archaeology within the site area.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6.

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

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

It must be demonstrated that any proposed piling:

- a. Will not result in contamination of groundwater;
- b. Will not increase risk to drinking water supplies (including turbidity); and
- c. Will not deteriorate the transmissivity of the aquifer.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with paragraph 109 of the National Planning Policy Framework and policies W SP1 & W DM1 of the Arun Local Plan. This is not strictly a pre-commencement condition as other means of foundations are available however, if piling must be used then these details must be agreed prior to commencement and this condition is required because otherwise the water supplies under the site could be adversely affected.

- 8 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways, Portsmouth Water and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details pertaining to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;

- Measures to minimise the noise (including vibration) generated by the construction process to include proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the anticipated number, frequency 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 plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- All pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, ENV DM5, QE DM3, W SP1, W DM1 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 9 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 or dwellings 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 and to manage the quantity of foul sewage in order to minimise the risk to controlled waters & the public drinking water supply in accordance with policies W SP1, 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.

- 10 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a

pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 11 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 12 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement, Lizard Landscape and Design Ltd, Ref. LLD1544-ARB-REP-001, Rev. 00, March 2020 and the Tree Retention and Protection Plan, LLD1544-ARB-DWG-002 (Rev 04).

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 13 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert or other designated competent person representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, LLD1544-ARB-DWG-002 (Rev 04).

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 14 At least 10% of the energy supply of the development shall be secured from decentralised and

renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 15 No development shall commence until either (a) an odour assessment has been undertaken to determine the impact of odour from the nearby riding school/manege or (b) evidence has been supplied to demonstrate that the equestrian livery use has ceased. If it is not possible to provide the information required by (b) then the results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of amenity within habitable rooms and garden areas shall be submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. The assessment shall be conducted by a suitably qualified odour assessor and be carried out in line with the Institute of Air Quality Managements 'Guidance on the assessment of odour for planning'.

Reason: To protect the amenity of local residents in accordance with Policy QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 16 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Soils Limited ref 18570/SRP\_R53 (October 20). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework.

- 17 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The landscaping scheme should include at least 26 new native trees to include specimens that will potentially grow to 10-15m high. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 18 No development above damp proof course (DPC) level shall take place until details of all new

screen walls and fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and fences associated with them have been erected.

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

- 19 No development above damp proof course (DPC) level shall take place until elevation details of the two proposed communal bin stores have been submitted to and approved by the Local Planning Authority and none of the houses/flats associated with these shall be occupied until the approved bin stores have been provided.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and WM DM1.

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

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

- 21 Prior to the occupation of any part of the development, full details of new external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The scheme shall also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Prior to occupation of each dwelling, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 22 No part of the development shall be first occupied until such time as the vehicular access and associated highways works serving the development has been constructed in accordance with the details shown on the drawing titled ACCESS DESIGN and numbered 020.0360.001.

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

- 23 No part of the development shall be first occupied until visibility splays of 2.4m by 107.5m have been provided at the proposed site vehicular access onto Fontwell Avenue in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

- 24 No dwelling shall be occupied until the car parking including garages associated with that dwelling has been constructed in accordance with the approved site plan. The car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 25 No dwelling shall be occupied until covered and secure cycle parking spaces (or if in garages then details of storage racks) associated with that dwelling have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

- 26 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The approved measures within the Travel Plan shall then be implemented in full and permanently retained thereafter.

Reason: To encourage and promote sustainable transport to accord with policies T DM1 and T SP1 of the Arun Local Plan.

- 27 The dwellings hereby permitted shall be built in accordance with the sound insulation scheme, set out within sections 4.5, 4.6, 4.7, 4.8 & Figure 1 of the "Proposed residential development at land west of Fontwell Avenue, Eastergate, Road Traffic Noise Assessment" by Hepworth Acoustics Ltd (ref P20-188-R01v1, dated April 2020). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out have achieved the Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014. Following the implementation of the insulation scheme for each dwelling, that dwelling shall not be occupied until test results, demonstrating that the minimum sound insulation criteria has been achieved, have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 28 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling

from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 29 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 30 None of the dwellings shall be occupied unless and until full details of the public open space (POS) management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the provision as agreed by application BN/50/20/PL (or any subsequent variation application) prior to occupation of the 22nd dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

- 31 None of the dwellings shall be occupied unless and until full details of the public play provision and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The play area detail shall include play equipment, surfacing, pathways, fencing (if required) and seating/litter bins. The public play provision shall thereafter be implemented in accordance with the approved details prior to occupation of the 22nd dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

- 32 None of the FOG type dwellings (plots 12, 16, 23, 35) shall be occupied unless and until details of balcony screens/railings to these dwellings have been submitted to and approved by the Local Planning Authority. The approved screens/railings shall thereafter be implemented in accordance with the approved details and permanently retained in good condition.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the amenities of nearby residential occupiers in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

- 33 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was

built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 34 Any deep pits, trenches or holes present on the site during construction works shall either be covered or have a secured plank within them to allow a means of escape for any animals.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 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 fully implemented before development in that phase recommences. 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 risks from land contamination to drinking water supplies is controlled & mitigated and to protect the amenity of local residents in accordance with policies QE DM4, W SP1, W DM1 and W DM3 of the Arun Local Plan.

- 36 All bathroom, dressing room and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 37 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 38 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations any of the approved houses, unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 39 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to plots 2, 20, 21, 22, 25, 29, 30, 31, 32, 33 & 34 shall be constructed or buildings shall be erected within the curtilage of the same plots unless

permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amenity of adjoining occupiers and maintain adequate private amenity space in accordance with policy D DM1 of the Arun Local Plan.

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

41      INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Affordable Housing, specifically the provision of 13 dwellings consisting of 10 affordable rented dwellings and 3 intermediate dwellings. These to be provided not later than 50% occupation of the development.

42      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 which is available to read on the SW website - <https://beta.southernwater.co.uk/infrastructurecharges>.

43      INFORMATIVE: Portsmouth Water state that they would have no objection to piling at this location if the piles terminate within the Clay cover.

44      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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

Portsmouth Water have a presumption against deep bore soakaway disposal in this area as deep infiltration systems can provide a pathway for contaminants. Any contamination may pose a risk to groundwater underlying the site and to the surrounding potable supplies. If deep bore soakaway(s) are the proposed drainage solution, the application for the construction and installation should be accompanied by an adequate risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design.

45      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.

- 46      INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990. For further information please contact the Environmental Health Department on (01903) 737555.
- 47      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 02/06/20) as available on the Councils website.
- 48      INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 49      INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to signage being installed. The applicant should be aware that a charge will be applied for this service.
- 50      INFORMATIVE: The applicant should note that this layout has been approved without full agreement in respect of drainage. If it becomes clear that drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage or if it is necessary to use Public Open Space for drainage then a new application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.

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

**BN/50/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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