

PLANNING APPLICATION REPORT

REF NO:	AB/135/20/OUT
LOCATION:	Land at Ford Road Arundel
PROPOSAL:	Outline application with some matters reserved (except for access) for the development of 90 dwellings & associated amenity land, including land allocated for a community building & for a community allotment. This application affects the setting of listed buildings & affects the character & appearance of the Arundel Conservation Area.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	This outline planning application is for the erection of 90 dwellings, together with the identification of land for a community building and for a community allotment on land at Ford Road. The applicant is applying for access to the site as part of this outline planning application. Details regarding the appearance, scale, layout and landscaping of the proposed development would be submitted for consideration as part of a reserved matters application.
SITE AREA	10.18 hectares (net developable area: 3.82 hectares).
RESIDENTIAL DEVELOPMENT DENSITY	24 dwellings per hectare.
TOPOGRAPHY	The topography of the site slopes downhill from the north west to the south east.
TREES	The site has a Tree Preservation Order (TPO/AB/2/16) covering a band of trees that runs north-south along the boundary between the central and the eastern fields. A further TPO (TPO/AB/1/21) was made on 22nd April 2021 and covers 1 hawthorn and 25 pedunculate oak trees on the site.
BOUNDARY TREATMENT	The site is bordered by mature trees, hawthorn hedgerows and post and wire fencing.
SITE CHARACTERISTICS	The site is located to the south west of Arundel and comprises of medium and small sized fields used for arable and pasture with larger arable fields to the south. The site is primarily within Flood Zone 1, with an area of Flood Zones 2 and 3 running along the eastern boundary alongside Ford Road.  The site is bordered to the north by allotments and the settlement boundary of Arundel. The north western boundary of the site adjoins an area of ancient and semi-natural woodland and is accessible via PRow 342 from Dalloway Road. Current access to the site is obtained via field gateways on Priory Lane along the southern boundary of the site. The

southern boundary of the site abuts the northern extent of Tortington Augustinian Priory and ponds, a Scheduled Ancient Monument; which incorporates Tortington Priory Barn which is a Grade II\* listed building.

**CHARACTER OF LOCALITY**

The area is rural in character with intermittent neighbouring properties and the South Downs National Park to the north and north-west respectively. The National Park boundary is approximately 45 metres to the north of the site. The site is approximately 1.5km from the centre of Arundel.

**RELEVANT SITE HISTORY**

PAA/35/20/	Residential development of 90 dwellings.	Refuse Pre App 07-07-20
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A pre-app (PAA/35/20) was submitted for the development of 90 dwellings on the site and it was concluded that were an application for planning permission to be submitted it would be likely to be refused as the proposed layout required to be amended.

**REPRESENTATIONS**

**ARUNDEL TOWN COUNCIL**

No objection.

The Town Council welcomes the development, especially the 27 affordable homes.

- Careful consideration should be given to traffic calming measures comprising the construction of a mini-roundabout at the junction of Ford Road and Priory Lane; and a speed limit reduction to 20mph starting 200 metres south of Priory Lane.
- The routing of construction traffic should be from the A259 south of the development along to the Lyminster Bypass or onto Yapton Lane. Ford Road (Arundel) is not suitable for HGVs.
- Section 106 monies should go towards the funding of a new pedestrian and cycle path between Arundel and Climping to join with the existing A259 cycle path.

The Town Council submitted a second letter clarifying why it is very supportive of this development:

- It is in the Arundel NP which has been examined and been signed off by residents.
- It is a low density development and if it does not happen up to 200 homes could be built on the site.
- Careful work been done to landscape development & mitigate impact on Arun Valley & surroundings.
- Access from Dalloway Road will be emergency only and steps been taken to mitigate rat running.
- The development will provide much needed affordable housing for residents.

**WALBERTON PARISH COUNCIL**

Support the site's inclusion in the Arundel Neighbourhood Plan.

The Parish Council does not support Arundel Town Council's comments about HGV movements being routed to Yapton Lane instead of Ford Road.

110 letters of objection on the following grounds:

- The proposed development is in the Green Belt.
- The proposed development is located on Grade 1 Agricultural Land.
- The site is not allocated for development in the Arun Local Plan or the Arundel Neighbourhood Plan.

- A petition signed by 691 people was submitted against the allocation in the Neighbourhood Plan.
- The proposed development would destroy one of the last Green Gaps between Arundel and the sea.
- Keep Arundel and appreciate its unique setting.
- This site should not be considered until all brownfield sites in Arundel have been developed fully.
- The elevated development would be visible to everyone.
- The proposed development would adversely affect the character and beauty of the countryside.
- The architecture and building materials need to be sympathetic with the historic townscape.
- The density of the development is out of keeping with the surrounding area.
- Lower density housing should be located adjacent to Dalloway Road to avoid overlooking.
- The natural boundary of the town is along the line of the allotments and houses on northern boundary.
- The site is in Tortington which is a historic village which is separate to the town of Arundel.
- The site is extremely close to Tortington Priory, and a bank with a path runs across site to the Priory.
- There is the opportunity to create woodland pasture between the proposed housing and the Priory.
- Pieces of tiles and Roman coin have been found on the site and Historic England need consulting.
- There is inadequate infrastructure including Doctors Surgeries and Schools.
- This could be the start of development all along Ford Road, linking up with the Airfield re-development.
- The site is too close to other dwellings.
- A proposed footway on High Ridge Close would encroach on the privacy of neighbouring residents.
- The northern boundary of the site needs planting with well established trees and shrubs.
- The site is elevated and the proposed screening, if deciduous, would damage approach to Arundel.
- 200+ additional cars would add to the congestion on the surrounding roads and lanes.
- Cars travel at excessive speeds along Ford Road as it is the national speed limit at this point.
- The proposed access onto Ford Road is inadequate and dangerous.
- Tortington Lane is a dangerous rat run, which would be inundated with additional traffic.
- Dalloway Road is unsuitable to accommodate any more vehicles.
- An emergency access off Dalloway Road is not required; there is an existing access off Priory Lane.
- There is a lack of footways from the site to Arundel Railway Station and Ford Railway Station.
- Priory Lane floods with run-off from the application site.
- The proposed development could destroy the natural drainage from the existing allotments.
- The noise from the new houses and the additional vehicles would be intolerable.
- There is insufficient parking for the affordable homes and residents will park on Dalloway Road.
- Parking on Dalloway Road would make it impossible for vans/lorries to access the existing houses.
- The proposal would adversely affect wildlife including deer, bats, tawny owls and woodpeckers.
- This development would result in further reductions in biodiversity.
- The eastern part of the site could provide a net gain for biodiversity.
- The ecological effect of increased fumes from car exhausts and log burners should be discouraged.
- Are the proposed dwellings to be carbon neutral with solar panels and / or heat pumps?
- A footway/cycleway should be provided along the Ford Road frontage.
- Cycle storage should be provided for each property and cycle vouchers for new residents.
- Electric vehicle charging points should be provided.
- Provision should be made on site for a free standing nursery to compliment the nearby CE School.

14 letters of objection to the revised plans on the following grounds:

- The density of housing is still out of keeping with the area.
- This development is out of keeping with Arundel as a historic town.
- The proposal would compromise a site of historic significance.
- There are no plans for shops, schools or a medical centre.
- There is a lack of infrastructure in Arundel to serve the proposed development.
- This is a piecemeal residential development on the floodplain.
- Brownfield land should be developed first before greenfield sites.
- Agricultural land acts as a carbon store and should not be developed for housing.
- The open countryside should be retained and not be developed for housing.

- Housing developments will eventually link up Arundel with Ford.
- This proposal would destroy "Brooklands" reputation as a retreat venue.
- Are the existing allotments to be included in new development or are these additional allotments?
- The proposed development would increase traffic on Ford Road close to the roundabout in Arundel.
- Access from High Ridge Close/Stewards Rise/Priory Lane/Dalloway Road for pedestrians/cyclists.
- The new residents will not be able to walk to town.
- The existing allotment users park on the adjacent roads and this would increase with new allotments.
- The nearby bus stops have a limited service, especially for secondary school children.
- There is no current bus route that could be diverted into the site.
- Every household would have at least one car and probably 2 or more.
- The community building should be served by sufficient car parking spaces.
- The community building needs to be part of the development.
- The walk-through between the site and High Ridge Close should be removed.
- The development would increase traffic congestion along Ford Road.
- A new footway should be added at junction of Stewards Rise and Priory Road.
- A new car park should be constructed below the allotments.
- A new footway should be created along eastern and southern boundary of allotments and connect to the new car park.
- The destruction of habitats of red listed birds and dormice as well as the South Downs night sky.
- The revised plans have failed to address concerns raised by Historic England and the SDNPA.

Arun District Conservation Area Advisory Panel objected on the following grounds:

- Quality of setting of Arundel is contrast between built form & the open landscape of its surroundings.
- The northern boundary of application site forms a coherent visual edge to the BUAB.
- The fields on the site form an important part of the rural setting of the town and castle.
- The fields are more visually distinctive by the way they rise in height in a north westwards direction.
- The proposal would suburbanise an area which contributes to the rural setting of the town and castle.
- The new access on Ford Road, with footways and lighting would detract from the rural setting.
- The views from Priory Lane of the Castle and town would be compromised by the new houses.
- The land rises up from Ford Road and the planting of deciduous trees would not screen the houses.
- A management plan is required to ensure the open spaces provide a long term rural ambience.
- Ensure that the surface materials and finishes of new roads, footways and kerbing are appropriate.
- Minimise the extent of new street lighting, subject to safety standards, given the rural setting.
- The planting of appropriate species to minimise impact on rural ambience and screen the development
- A much denser line of planting on eastern boundary of the houses to screen them from Ford Road.
- Standardised 'anywhere' estate layout and house designs would not be appropriate.
- A specialist historic environment architect or design review panel should be involved at an early stage.

CPRE Sussex recognise that the site is allocated in the Neighbourhood Plan, but the Arundel Community Land Trust should deliver the affordable homes through the Section 106 Agreement.

A letter of representation has been received from Sustrans and the Bognor Regis Cycle Forum objecting to the proposed development on the following grounds:

- There should be cycle links to High Ridge Close and Priory Lane.
- Traffic calming measures are required at the main site access off Ford Road.
- Section 106 monies should be required towards the Arundel / Ford Station cycle link.
- Electric vehicle charging points should be provided.

7 letters have been received supporting the proposed development on the following grounds:

- The proposed development complies with the Arundel Neighbourhood Plan.
- The development would be an asset as it includes affordable housing managed by Arundel CLT.
- The Norfolk Estate has been providing houses in Arundel for many centuries.

- The Norfolk Estate provided the large stock of Council houses built before 1974 when ADC took over.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

All planning related comments are noted and covered in the Conclusions section of this report.

<b>CONSULTATIONS</b>
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**CONSULTATION RESPONSES RECEIVED:**

**HIGHWAYS ENGLAND:**

No objection. Highways England recommend that Arun District Council requests an appropriate proportional contribution of £18,027.00 (90 dwellings x £200.30) from this particular site towards mitigation at the A27 / A284 Ford Road roundabout in Arundel.

**LOCAL HIGHWAY AUTHORITY:**

No objection. Conditions are requested relating to the pedestrian connectivity, the pedestrian infrastructure improvements and pedestrian visibility splays, the construction of the accesses, the provision of parking for cars and bicycles and the submission of a construction management plan. A contribution towards auditing a travel plan is required in a Section 106 Agreement. WSCC are aware of the potential infrastructure improvements for a cycle route between Ford and Littlehampton, given this scheme is not considered to be site specific mitigation necessary to make the development acceptable WSCC consider that CIL has a potential to help fund this infrastructure.

**WSCC FIRE & RESCUE SERVICE:**

No objection. A condition should be imposed regarding the proposed location of the fire hydrants.

**ENVIRONMENT AGENCY:**

No objection. The EA recommends that any new residential developments are located above the 0.5% (2125) tidal flood level and 1% (105%) fluvial level.

**SOUTHERN WATER:**

No objection. The exact position of the water mains and surface water sewer within the site must be determined by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Conditions should be imposed.

**WSCC FLOOD RISK MANAGEMENT:**

No objection. Current surface water mapping shows that the majority of the site is at low risk from surface water flooding. Higher risk exists on the western and southern boundaries. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. The site is shown to be at low risk from groundwater flooding based on current mapping. Current mapping shows ordinary watercourses running across and adjacent to the site.

**ADC DRAINAGE:**

No objection. The masterplan incorporates the ordinary watercourses that are within and bound the site. The drainage strategy has been formed based on attenuation. Attenuation features must be located outside of areas at risk of flooding, e.g. flood zone 2 and 3. Conditions are requested to ensure that the development is adequately drained and does not increase flood risk elsewhere.

**SOUTH DOWNS NATIONAL PARK AUTHORITY (SDNPA):**

Object. This objection could be overcome by a condition which requires an appropriate lighting strategy

to be submitted. The lighting details in the Addendum to the Design and Access Statement are unlikely to mitigate upward light pollution and would contribute to the general upward glow of the surrounding residential area. The scheme has the potential to not impact upon the setting of the National Park either in visual terms and experiential qualities, provided impacts upon dark night skies are given proper consideration. The objectives of improving green infrastructure connectivity within and outside of the site should be secured; and improvements are sought to link the development with surrounding public rights of way.

**ADC HOUSING:**

No objection. All of the affordable dwellings would be delivered via a Section 106 Agreement. The affordable dwellings should be distributed throughout the site in small clusters and be indistinguishable from the market housing.

**ADC ENVIRONMENTAL HEALTH:**

No objection. Conditions should be imposed relating to land contamination, air quality, electric vehicle charging points, noise, a construction management plan, controlling the hours of construction and the provision of external lighting.

**NATURAL ENGLAND:**

No objection.

Natural England considers that the proposed development would not have significant adverse impacts on the Arun Valley Special Protection Area (SPA) or Ramsar site.

**ADC ECOLOGY:**

No objection. The results of the overwintering birds surveys indicated that the site is not functionally linked to the Arun Valley SPA/Ramsar and therefore the proposed development would not have any significant effect on this site. The reptile mitigation plan and the dormice mitigation plan are acceptable and their recommendations should be conditioned. A water vole survey was undertaken which concluded that the ditch was not suitable for water voles; but the ditch should be re-surveyed as part of any reserved matters application. A 30 metre buffer is in place around the badger sett, but a follow-up badger survey will be required for any reserved matters application. The proposed net biodiversity enhancements are acceptable and should be conditioned.

**HISTORIC ENGLAND:**

No objection. Historic England is pleased to see that an Addendum to the Heritage Statement and an amended Illustrative Masterplan have been produced in response to their advice. The proposed development in tandem with the proposed A27 Arundel bypass is likely to cause less than substantial harm to the Tortington Priory scheduled monument, but further harm reduction could be delivered through amendments to the masterplan at the reserved matters stage.

**ADC CONSERVATION OFFICER:**

There are no heritage assets on the site, but there are a number within a 1km area of the site. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). The Addendum to the Heritage Statement identifies that the cumulative impact of the development in tandem with the proposed A27 Arundel bypass, would cause less than substantial harm.

**ADC ARCHAEOLOGY:**

No objection. Agree with the assessments of significance, potential and impact contained in the Archaeological Desk-Based Assessment, and with its conclusion and recommendations regarding appropriate mitigation of impact through a programme of archaeological fieldwork. A condition should be imposed to secure a programme of trial trenching prior to development to identify significant

archaeological deposits and implement appropriate measures for their preservation.

#### ADC GREENSPACE:

No objection. The proposed development provides the opportunity to create an attractive and well considered gateway/threshold to Arundel, in the form of a naturalised parkland setting. The proposed quantum of public open space is in excess of the SPD minimum standards and this in turn will assist in maintaining the important setting of this development to Arundel. Considerable buffer areas have been shown to the perimeter and along tree line areas which should accommodate and protect the significant trees across this site.

#### ADC ARBORICULTURE:

No objection. There are significant trees on this site and a Tree Preservation Order was recommended to protect 1 hawthorn and 25 pedunculate oaks on the site. The principle of development and access is achievable without undue detriment to the retained trees on the site.

#### SUSSEX POLICE:

No detailed comment to make at this outline planning stage.

#### COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

#### POLICY CONTEXT

Designation applicable to site:

- Outside the Built-up Area Boundary (BUAB) in the Arun Local Plan.
- Setting of Arundel in the Arun Local Plan.
- Biodiversity Opportunity Area in the Arun Local Plan.
- Allocation in the Arundel Neighbourhood Plan.
- The northern and western parts of the site are within the BUAB in the Arundel Neighbourhood Plan.
- The southern and eastern parts of the site are outside the BUAB in the Arundel Neighbourhood Plan.

#### 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
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM6	HER DM6 Sites of Archaeological Interest
HERDM3	HER DM3 Conservation Areas
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
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
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SKILLSSP1	SKILLS SP1 Employment and Skills
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<a href="#">Arundel Neighbourhood Plan 2014 POLICY 1:</a>	The Presumption in Favour of Sustainable Development
Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
Arundel Neighbourhood Plan 2014 POLICY 3:	Housing Supply
Arundel Neighbourhood Plan 2014 POLICY 4:	Housing Site Allocations
Arundel Neighbourhood Plan 2014 POLICY 6:	Transport, Access & Car Parking
Arundel Neighbourhood Plan 2018-2031 AR1	Arundel Built Up Area Boundary
Arundel Neighbourhood Plan 2018-2031 AR2	Land Off Ford Road

**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

<b>POLICY COMMENTARY</b>
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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 revised Arundel Neighbourhood Plan (NP - 2018-2031) was made on 15th January 2020 on the basis of the policies in the Arun Local Plan (2018). Relevant Neighbourhood Plan (NP) policies have



been taken account of and are addressed in the Conclusions section of this report.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

Section 70(2) of TCPA provides that:-

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

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

The proposed area of residential development is located within an allocated site within the built-up area boundary (the BUAB) in the Arundel Neighbourhood Plan and it is considered to comply with relevant up-to-date Development Plan policies.

There are impacts principally to agricultural land, the natural environment, heritage assets and the visual impact of the proposed development on the South Downs National Park and the setting of Arundel. Having regard to the tests set out in the National Planning Policy Framework in relation to these issues, these impacts have been assessed and the need for housing on this site has been found to be sound when weighing up all relevant issues.

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## **CONCLUSIONS**

This is an outline planning application for the erection of 90 dwellings with means of access details only.

A revised Illustrative Masterplan (Drawing No. IM003 Rev. E) has been submitted with the outline planning application which demonstrates that 90 dwellings could be provided on the site together with an access road, public open space including a Locally Equipped Area of Play (LEAP), 2 Local Areas of Play (LAPs), two attenuation basins, car parking and landscaping, with sufficient land that could be allocated for a community building and land for allotments,

Some policies in the Local Plan (policies C SP1, SD SP2) have reduced weight because Arun cannot demonstrate an adequate supply of housing land (only 3.3 years). Policies in the revised Arundel NP that relate to the supply of housing have weight because the NP is less than 2 years old.

The Arun Local Plan:

The key policy considerations in the determination of this outline planning application are considered to be Policies SD SP1, SD SP2 and C SP1 of the Arun Local Plan (2011 - 2031).

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 National Planning Policy Framework (NPPF). It will work to secure development that contributes to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland). As a site that is allocated for development within a development plan document (Arundel Neighbourhood Plan), the proposals are automatically sustainable development in accordance with 11c in the NPPF.

The site lies outside the BUAB as shown on the Policies Map in the Arun Local Plan. Policy C SP1 "Countryside" states that 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 proposed development at the application site.

As the site lies outside BUAB in the Local Plan, it is categorised as being within the countryside and the scheme would therefore conflict with Local Plan policies SD SP2 and C SP1.

Arundel Neighbourhood Plan (2018-2031):

The Land at Ford Road, has been allocated in Policy AR2 and the Policies Map of the revised Arundel NP for 90 dwellings and community facilities. The details of the 90 dwellings, the community building and the allotments would be submitted as part of a reserved matters application.

The revised Arundel Neighbourhood Plan (NP) was made on 15th January 2020 on the basis of the policies in the Arun Local Plan (2018). The revised Arundel NP amends the settlement boundary and it allocates the northern and western parts of the application site within the settlement boundary (which is covered by Policy AR1 of the Arundel NP) and residential development of this part of the site complies with the Arundel NP. The eastern part of the site fronting onto Ford Road is outside the BUAB and is still classed as countryside; and this part of the site is located in Flood Zones 2 and 3 and it includes the green infrastructure.

There is a conflict between the Arundel NP and the Local Plan, but the conflict has been resolved in favour of the NP and the NP is more recently made than the adopted Local Plan; and the site has been the subject of a referendum and a recent examination. Consequently, the principle of development on this site is considered to be acceptable, in accordance with the policies in the revised Arundel NP.

Conclusion on Matters of Principle:

The principle of residential development on this site is in accordance with the policies in the Arundel Neighbourhood Plan (2018-2031) which was made on 15th January 2020 as it is an allocated housing site in the NP (Policy AR2). The northern and western parts of the site are identified as being within the BUAB (which is covered by Policy AR1 of the Arundel NP) and residential development of this part of the site complies with the Arundel NP. Consequently, the principle of development on this site is considered to be acceptable, in accordance with the policies in the revised Arundel NP.

## TECHNICAL MATTERS

### LOSS OF AGRICULTURAL LAND

Part of the site is identified as subgrade 3a on the Agricultural Land Classification Maps. Consequently, part of the site is classed as 'best and most versatile' land which is the most flexible, productive and efficient. The NPPF (paragraph 170) requires that the Council takes into account the economic and other benefits of this type of land. The Local Plan's Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. However, in allocating the site, the Neighbourhood Plan will have had to demonstrate to an Inspector that this issue was outweighed by the benefits of the allocation.

Policy SO DM1 requires the submission of an Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal, which needs to demonstrate that care would be taken to preserve the soil resource, such that it could be incorporated into a productive green environment following development. A Desktop Review of Soils and Agricultural Quality (Report. 1808/1, 16th March 2021) has been submitted with this outline planning application which concludes that the site is most likely to be dominantly of subgrade 3b agricultural quality, possibly with some patches of subgrade 3a on mid slopes in the centre of the site, and grade 4 on the eastern margins. The Desktop Review recommends that the nature and quantity of available resources should be checked with a site survey to inform a soil management plan. Consequently, it is considered necessary to impose a condition requiring the submission of a soil management plan which will set out how the subgrade 3a soils will be retained and re-used on the site. Consequently, subject to a condition requiring a soil management plan, it is considered that the proposal complies with Policy SO DM1 of the Local Plan.

## LANDSCAPE

The site is in close proximity to the South Downs National Park. The boundary of the National Park to the west of the site runs along Tortington Lane and is defined by mature ancient woodland. The statutory purposes of the National Park are:

- 1) to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and
- 2) to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.

It is a duty of the LPA to assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Paragraph 172 of the NPPF (February 2019) sets out the Duty of Regard for LPAs when dealing with planning applications within or affecting the setting of a National Park:

The outline planning application was accompanied by a Landscape and Visual Impact Assessment (LVIA) which considered views from the north were confined by the existing houses and the wooded ridgeline; that views from the west were confined by the adjacent woodland along the ridgeline and the hedgerow lined lanes which restrict views from the National Park. Long distance views from the east are limited to within 2km by the wooded ridgelines to the north east and the low lying land to the south east, and intervening hedgerows. Views of the site from the south along Priory Lane are open as the site slopes downhill from the north west to the south east and there are gaps in the hawthorn hedge. Views from Priory Lane would be limited to the views of upper storeys of the new houses by the introduction of a woodland buffer in the southern part of the site; and the re-instatement and enhancement of the hedgerow along Priory Lane. The LVIA recommended the planting of a wide landscape buffer with additional native planting along the northern boundary of the site to mitigate the visual impact on the existing houses on Dalloway Road, High Ridge Close and Priory Road.

The landscape-led approach set out in the LVIA is followed in the Illustrative Masterplan (Drawing No. IM003 Rev. E). The Masterplan splits the site into the three existing fields: the western field, the central field and the eastern field; and due to the sensitive views of Arundel from Tortington to the south and the Flood Zones 2 and 3 along the eastern side of the site, the residential development has been focussed in the northern and western parts of the site. The Masterplan includes a wide landscape buffer with additional native planting along the northern boundary of the site to mitigate the visual impact on the existing houses to the north, and a woodland buffer in the southern part of the site to limit the views from Priory Lane to the views of upper storeys of the new houses, as recommended in the LVIA.

The Masterplan (Drawing No. IM003 Rev. E) identifies that an area of land in the eastern part of the site would not be developed in order to maintain the views of the skyline of Arundel; the views and setting of

Arundel and important and appear to have been taken into account. It is considered that the views both northwards towards the town and the protection of views outwards from Arundel ensure that the development complies with Policy LAN DM2 in the Local Plan: 'The Setting of Arundel'.

It is considered that views into the site from the National Park would be limited by the existing area of ancient and semi-natural woodland cover to the north west of the application site, and by the existing residential developments in Arundel immediately north of the application site; and that views from the National Park are restricted by the existing woodland along the ridgeline and the hedgerow lined lanes.

Consequently, subject to a condition ensuring that the reserved matters layout substantially accords with the Illustrative Masterplan (Drawing No. IM003 Rev. E) and the Parameter Plans (Drawing No. PP001), the proposal is acceptable visually, it does not harm the setting of Arundel, or have a detrimental impact on the South Downs National Park and it complies with Policies LAN DM1, LAN DM2 and D DM1 of the Local Plan and Policy AR2 of the Arundel NP.

#### DESIGN AND ILLUSTRATIVE LAYOUT

The Addendum to the Design and Access Statement explains that a full site appraisal has been carried out; a concept plan was prepared which was based on the appraisal work and which was influenced by the Landscape Strategy; a design rationale was developed which focussed on the village green with streets and spaces reducing in intensity away from the central space. Consideration of the wider landscape strategy has influenced the pattern of development by establishing a strong landscape framework.

The Illustrative Masterplan (Drawing No. IM003 Rev. E) proposes 90 dwellings in the northern and western parts of the site which is predicated on the settlement boundary set out in the revised Arundel NP (Policy AR1) and the footprint for residential development which is set out in Policy AR2 of the NP. A Parameter Plan (Drawing No. PP001) has been submitted which limits the area of residential development to 3.82 hectares in the northern and western part of the site. There would need to be limited groundworks required to create a development plateau in the central part of the site and the proposed development would protect the existing tree root protection areas (RPAs).

The Illustrative Masterplan (Drawing No. IM003 Rev. E) identifies land within the red-line boundary that could be allocated for a community building and allotments. Policy AR2(c) of the Arundel NP requires the provision of a community building and allotments. It is acknowledged that this outline application is not capable of changing the use of the land for a community building and allotments. This would require a full application or a hybrid part full part outline. A belt of trees is proposed to screen the land identified in the masterplan as the location of a community building when viewed from Ford Road. The tree belt is considered to be acceptable as it would mitigate the views of the community building from the south and east.

The Illustrative Masterplan (Drawing No. IM003 Rev. E) includes the provision of a large Central Green incorporating a Local Equipped Area of Play (LEAP) in accordance with Policy AR2(j) of the Arundel NP. The Green and Blue Infrastructure Parameter Plan (Drawing No. PP001) identifies 4.96 hectares of public open space and 0.10 hectares of new allotments. There are areas of peripheral open space in the southern and eastern parts of the site which are proposed to be formal and informal recreation parkland incorporating Local Areas of Play (LAPs).

The Infrastructure Parameter Plan (Drawing No. PP001) identifies 0.67 hectares of surface water drainage features including 2 attenuation basins in the southern part of the site. A sustainable drainage strategy has been submitted with the outline planning application. The submission of a sustainable drainage strategy is a requirement of Policy AR2(k) of the Arundel NP.

The proposed vehicular access to the site off Ford Road is identified on the Illustrative Masterplan (Drawing No. IM003 Rev. E), in accordance with Policy AR2(f) of the Arundel NP; and the emergency vehicle access onto Dalloway Road, in accordance with Policy AR2(f). The location of the primary street, the secondary street and the shared surface lanes are identified in the Movement Parameter Plan (Drawing No. PP001). The internal road layout avoids all of the root protection areas (RPAs) of the trees within the site. The proposed pedestrian and cycling access points from Ford Road, Dalloway Road, High Ridge Close and Priory Lane are identified on the Illustrative Masterplan, in accordance with Policy AR2(g) which would enable the development to connect and integrate with the existing community at Torton Hill in accordance with Policy AR2(l). Footpath connections are identified on the site between Dalloway Road and Ford Road, in accordance with Policy AR2(h).

Sufficient information has been submitted on the parameters plans and the Illustrative Masterplan to demonstrate that the site could accommodate 90 dwellings, a community building and allotments within a parkland setting.

### DENSITY, SCALE AND MASSING

The proposed footprint of the residential development comprises 3.82 hectares all of which is located within the BUAB, in accordance with Policy AR2(a). The proposed development of 24 dwellings per hectare is considered to be acceptable in this visually sensitive location on the southern edge of Arundel. Lower density housing would be situated on the upper slopes of the site and overlooking the woodland buffer next to Priory Lane. The Design and Access Statement says that the new houses would generally be 2 storey in height. The scale and height of the buildings would be dealt with in more detail at the reserved matters stage, but the principle of developing 2 storey dwellings on this site is considered to be acceptable in principle.

### TRANSPORT

#### A27 Junctions:

The Local Plan includes agreed highway mitigation measures for the impact on the A27 junctions resulting from the strategic development sites, with funding to be provided from developer contributions. Additional residential development will have a cumulative impact on the A27 junctions as well as the highway network and is likely to require further mitigation. Highways England (HE) is requesting an appropriate proportional contribution of £18,027.00 towards mitigation at the A27 / A284 Ford Road roundabout in Arundel.

Paragraph 5 of the most up-to-date ADC Community Interest Funding Statement details ADC's CIL infrastructure list which does not include highways, it is therefore evident that no ADC CIL money will be spent on highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for highways and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to Highways England where there are impacts on the strategic road network. It is clear that Highways England's consultation is an objection to the application unless the LPA seeks to collect £18,027.00 for the A27 roundabout improvements. This can be achieved by requiring the owner to enter into a s278 agreement for this sum before the commencement of the development and for this to be covered in a S106 Agreement.

The ADC website states: the introduction of Community Infrastructure Levy 2020 (CIL) does not mean that S.106 obligations will no longer be used. In some cases, CIL and S.106 will work alongside each other to ensure adequate mitigation is provided to address the impacts of development.

#### Trip Generation, Distribution and Assignment:

A Transport Assessment accompanied the planning application as required by Policy T SP1(e) of the Local Plan. The proposed development of up to 90 houses on the site is anticipated to generate 41 two way vehicle movements in the AM peak and 44 two way vehicle movements in the PM peak. This level of

two way vehicle movements at peak times in the morning and evening is acceptable and would not place undue pressure on the local highway network.

### Site Access:

Site access is being approved at this stage and a Transport Assessment (Ref. 173483-04) has been submitted with the outline planning application which proposes a site access onto Ford Road with 3.0 metre x 129 metre visibility splay to the south and 3.0 metre x 153 metre splay to the north.

Future year traffic flows have been extrapolated by the Local Highway Authority from the Transport Assessment for the Ford Strategic site (F/4/20), which includes a number of consented and live application sites. The modelling indicates the site access would operate well within capacity. A Stage 1 Road Safety Audit (RSA) has been submitted to assess the safety of the proposed site access onto Ford Road, which did not highlight any issues.

The proposed development with a vehicular access point onto Ford Road would provide safe access onto the highway, in accordance with Policy T SP1 of the Local Plan.

### Emergency Vehicle' Access:

This application includes the provision of an emergency vehicle' access onto Dalloway Road in the north west corner of the site, which could also be used by cyclists and pedestrians to access Arundel town centre and the South Downs National Park. Collapsible bollards would be installed to restrict general traffic from using the emergency vehicle access. The proposed location of the emergency access off Dalloway Road is considered to be acceptable due to the width of the carriageway in this location, and its siting complies with Policy AR2(f) of the Arundel NP.

### Routing of Construction Vehicles:

Arundel Town Council has raised concerns about contractor vehicles travelling along Ford Lane and Walberton Parish Council has objected to contractor vehicles using Yapton Lane. It is considered necessary to include the routing of contractor vehicles in a Construction Management Plan, which should be conditioned.

### Traffic Calming Measures

In response to the Town Council's comments, the Local Highway Authority and the Local Planning Authority consider that traffic calming along Ford Road would not be required to mitigate the impacts of the development. The provision of a mini roundabout at Ford Road/Priory Lane would not meet design standards due to unbalanced flows/existing speeds. A speed limit reduction 200 metres south of Priory Lane, would not meet the WSCC speed limit criteria.

### Public Transport:

The nearest bus service is from the junction of Priory Lane and Ford Lane at the south east corner of the application site, where the No. 228 bus service provides access to Ormiston Six Villages Academy and the No. 615 service provides access to Littlehampton Academy. There are bus stops located on Pearson Road approximately 600 metres from the proposed emergency site access onto Dalloway Road, from where there is an hourly service to Littlehampton, Angmering, Worthing and Shoreham. In addition, there are railway stations at Ford and Arundel.

Consequently, it is considered that the proposed development complies with Policy T SP1(a) of the Local Plan and Policy 6 of the Arundel NP by improving access to public transport services.

### Footways and Cycle Provision:

The proposed development includes the provision of a new 2.0 metre wide footway from the site entrance on Ford Road, which would link up with the existing footway running northwards into Arundel.

Improvements are proposed to the local walking network comprising the provision of additional footway and uncontrolled pedestrian crossing with tactile paving for east-west pedestrian movements at the junction of Dalloway Road/Stewards Rise; and the provision of additional footway and uncontrolled pedestrian crossing with tactile paving for north-south pedestrian movements on Dalloway Road to the west of the junction with Torton Hill Road.

The proposed development includes the provision of sufficient footway links from the site into Arundel, the South Downs National Park and the surrounding area, in accordance with Policy HWB SP1(a), Policy T SP1 and Policy T DM1 of the Local Plan and Policy AR2(g) of the Arundel NP. It is acknowledged that there are no cycleway links from the site which is contrary to Policy AR2(g) of the Arundel NP, but it is recommended that a condition is imposed requiring the provision of a cycle path from the site onto Priory Lane. There is a linkage for cyclists onto High Ridge Close which is shown on the Masterplan, and this should be further detailed at the reserved matters stage.

### Travel Plan:

A Travel Plan should be conditioned to ensure that the proposed development complies with Policy T SP1(e) of the Local Plan. The Local Highway Authority is requesting a contribution of £3,500 towards the auditing of a Travel Plan, which would need to be covered by a Section 106 Agreement, which is considered to be acceptable.

### Conclusion on Transport

Subject to a S106 Agreement requiring the submission of a scheme of proposed mitigation measures at the A27 / A284 Ford Road roundabout in Arundel, sufficient information has been submitted identifying the impacts of the proposed development on the strategic and the local road network. The proposed development including an emergency vehicle' access and footway links onto Dalloway Road, Priory Lane and Ford Road, to make the site more accessible from Arundel town centre is acceptable and that the proposed development is in compliance with Policy TSP1, Policy T DM1 of the Local Plan and Policy 6 of the Arundel NP.

### AFFORDABLE HOUSING

There is high demand for affordable housing throughout the Arun District for both rent and low-cost home ownership. As of September 2020, there were 1,021 households in housing need on the Council's housing register.

To meet the requirement of the Council's Affordable Housing policy, the applicant will need to provide 27 affordable dwellings (i.e. 30% affordable provision), in compliance with Policy AH SP2 of the Local Plan. The Council's Affordable Housing policy requires a tenure split for this site of 75% rented and 25% shared ownership. The proposal equates to 20 rented houses and 7 shared ownership houses.

The proposed affordable housing mix is considered to be acceptable. The affordable housing should be constructed to be indistinguishable from the market housing and should be pepper-potted throughout the development in small clusters of no more than five dwellings.

The number and tenure split of the affordable housing would be proposed in a Section 106 Agreement. There is an opportunity for the affordable dwellings to be managed on the site by the Arundel Community Land Trust (CLT); and it is considered that the CLT should be listed in the Section 106 Agreement as a potential deliverer.

### ACCOMMODATION SUITABLE FOR OLDER PERSONS AND PEOPLE WITH DISABILITIES

The LPA has a Guidance Note setting out standards aimed at securing a percentage of homes as disabled friendly and adaptable, meeting suitable standards. Under building regulations optional requirement M4(2): Category 2 - Accessible and adaptable dwellings can be enforced where it is

required by a planning condition, in accordance with Policy D DM1 of the Local Plan. For schemes greater than 51 unit inclusive - 50% of units (i.e. 45 units) need to be designed to M4(2) standard plus 4 additional units to be designed to M4(3) wheelchair accessible, for every 50 units proposed thereafter. This can be secured adequately via a suitably worded condition.

### OPEN SPACE PROVISION

A development of 90 dwellings requires the provision of on-site public open space measuring a minimum area of 0.74 hectares. The Parameter Plan identifies 4.96 hectares of public open space on the site and 0.10 hectares of allotments in addition to the existing allotments, which are located adjacent to the site. Consequently, the quantum of public open space complies with the requirements of the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, January 2020. The proposed public open space on the site would be secured through a Section 106 Agreement.

The Illustrative Masterplan (IM003 Rev. E) identifies the location of a LEAP in the Central Green on the site, and 2 unequipped natural play areas known as Local Areas of Play (LAPs) in the informal parkland to the south and east of the residential development, in accordance with by the ADC Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, January 2020.

A clear indication of the proposed future management of the open space including the responsibility for play areas and public realm areas would be secured through a Section 106 Agreement. Similarly, the provision of any surface water features within the public open spaces would require detailing including future management and maintenance requirements.

### PROTECTED TREES

There are significant trees on this site and a Tree Preservation Order (TPO/AB/2/16) is in place covering a number of the trees along the boundary between the central and eastern fields. A further TPO (TPO/AB/1/21) was made on 22nd April 2021 and covers 1 hawthorn and 25 pedunculate oak trees on the site.

An Arboricultural Implications Report which includes a Tree Protection Plan and a Tree Survey Schedule, together with an Outline Arboricultural Method Statement have been submitted with this application, which identify the locations of the trees for removal and those for retention. An Arboricultural Implications Assessment (AIA) including 'Root Protection Area (RPA) Schedule', together with an Arboricultural Method Statement (AMS) would be required to be submitted at the reserved matters stage to describe and illustrate the mitigation measures and to ensure the trees survive without detriment to their vigour and vitality and they are given adequate protection.

The site layout on the Illustrative Masterplan has taken into account the root protection areas (RPAs) of the trees that are subject to Tree Preservation Orders. The proposed quantum of development can be accommodated without detriment to the trees on the site. It is considered that the proposed development is in accordance with Policy ENV DM4 of the Local Plan.

### IMPACT ON THE SETTING OF ARUNDEL CONSERVATION AREA AND LISTED BUILDINGS

Arundel Conservation Area:

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 193 of the NPPF and if there is harm is it substantial or less than substantial, and this needs to be weighed against the public benefits of the proposal.

Arundel Conservation Area consists of the Castle and its grounds (Grade I), the Cathedral (Grade I) and the old town. The Conservation Area contains a significant number of designated and non-designated heritage assets. The boundary of the Conservation Area covers most of the town as it existed at the end of the 19th century. There are important views of the town from the site including the Conservation Area



and many listed and locally Listed Buildings. The site is located within the area identified as being part of the setting of Arundel (Policy LAN DM2 of the Local Plan).

In accordance with paragraph 189 of the NPPF, a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of the Conservation Area and assesses how this may affect the proposed development.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed residential development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Area.

The impact on the Conservation Area has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the Conservation Area through the siting of the housing development in the western part of the site and the provision of a landscape belt around the built development and a buffer strip to the north of Priory Lane, and make a positive contribution to local character by enhancing the setting of the Conservation Area as required by paragraph 192(c) of the NPPF which states that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as "the act") states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

The Planning Statement (paragraph 7.21) identifies that there will be changes experienced immediately adjacent to the site to the north and in sections along Priory Lane. Currently, there are positive views of the town from Priory Lane, and it is assumed that these would be affected by the eastern parcel of development; but the masterplan has been amended to include a belt of trees that should screen the housing in the eastern parcel from view. It is considered that the open and undeveloped land (including a buffer strip to the north of Priory Lane) would help to reduce the impact of the proposed development on the settings of the heritage assets. The site access onto Ford Road is considered to be acceptable. However, it needs to be ensured at the detailed design stage (i.e. the Section 278 stage) that the site access is not over-engineered with road signs and road markings as this could have a negative impact upon the Conservation Area in conflict with paragraph 72 of the act.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (February 2019). As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents of the act 1990 (as amended). It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS) and affordable housing.
- Benefitting the local economy by bringing in additional customers to the town centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime and anti-social behaviour.
- Creating construction jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods and services.
- Providing land for a Community Building.
- Providing land for additional allotments.

In conclusion, it is considered that the public benefits sufficiently outweigh the harm caused to the Conservation Area and the proposal is therefore compliant with Policy HER SP1 and Policy HER DM3 (a), (d), (e) and (f) of the Arun Local Plan and the NPPF.

Listed Buildings and Scheduled Ancient Monument:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Revised Heritage Statement, March 2021, identifies that there are some heritage assets in the immediate area, which are of specific note, these are: Tortington Priory Barn, to the north of Priory Farm (Grade II\* Listed); and Tortington Augustinian priory and ponds, including part of priory precinct, which is a Scheduled Ancient Monument. Both assets are of high significance. It is also worth noting that slightly further away to the east is the Grade II Listed Windmill on Fitzalan Road. There are also important views of the town and various assets from the site and the surrounding area (including many listed and locally Listed Buildings including the Castle).

There are concerns that the development would spread closer to these heritage assets in part of their settings. Such concerns have, in part, been raised by Historic England, particularly in regard to the setting of the Tortington Priory complex. In response to the concerns raised by Historic England, the Revised Heritage Statement says that built development would be set back from both Priory Lane and Ford Road to minimise any impact upon the setting of the Tortington Priory complex and the setting of views of the town, and avoid any sense of encroachment upon Tortington Priory. The use of appropriate landscaping and planting to screen the development and soften the built form would be used to further reduce any potential impact on the significance of the heritage assets or their settings. Historic England acknowledge the amendment to the Illustrative Masterplan to increase tree planting along the southern edge of the proposed housing is likely to ameliorate the visual impact on Tortington Priory. It is considered that the open and undeveloped land (including a buffer strip to the north of Priory Lane) would help to reduce the impact of the proposed development on their settings.

It is considered that the development could have some negative impact upon the setting of the Listed Buildings in conflict with paragraph 66 of the act. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (February 2019). As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

It is therefore necessary to consider the public benefits that the development may achieve. These have been set out above.

In conclusion, it is considered that the public benefits sufficiently outweigh the harm caused to the listed buildings and the proposal is therefore compliant with Policy HER DM1 and Policy HER SP1 of the Local Plan, and the NPPF.

## **ARCHAEOLOGY**

An Archaeological Desk Based Assessment (Job No. 455243, March 2021) has been submitted with the outline planning application. The site is located on the edge of the floodplain of the River Arun and is bound to contain deposits relating to concentrated activity in the later prehistoric and Roman periods. The Assessment concludes that the potential impact on below ground archaeological remains could be mitigated by the implementation of an agreed programme of fieldwork, which would need to be

undertaken in accordance with an approved written scheme of investigation.

It is considered that subject to a condition securing an investigation of the site by trial trenching in order to establish what deposits might be threatened and how to mitigate this, that it complies with Policy HER DM6 of the Local Plan as this will not be harmful to the archaeological interest.

#### **BIODIVERSITY**

The site is not within Arun Valley Special Protection Area (SPA) / Ramsar site but is within a potential zone of influence. The eastern part of the site is designated as a Biodiversity Opportunity Area where development shall retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones; and be designed in order to minimise distance to habitats. The outline planning application was accompanied by an Ecological Assessment Report (November 2020), an Outline Reptile Mitigation Strategy and a Landscape and Ecological Management Plan.

A Further Response to Ecology Consultation document has been submitted which contains the results of wintering bird surveys in 2019/20 and 2021. The winter surveys did not find any Bewick swans using the site and it was concluded that the site is not functionally linked to the Arun Valley Special Protection Area (SPA) / Ramsar site, and the proposed development would not therefore result in a loss of land that is functionally linked to the Arun Valley SPA/Ramsar. The LPA's Appropriate Assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. Natural England agrees with this view.

Further survey work was requested by ADC Ecology to determine the population size of the dormice and the water voles and a mitigation strategy submitted, and that a 30 metre buffer is in place around the badger sett. The Further Response to Ecology Consultation document included a dormouse mitigation strategy; confirmation that ditches have been checked for water voles (it is recommended that the ditch should be re-surveyed as part of any reserved matters application); and confirmation of the protection of a possible badger sett (which is an excavation at the base of an oak tree), the Illustrative Masterplan does not have any development within 30 metres of the excavation (but it is recommended that the site should be re-surveyed as part of any reserved matters application). Therefore, subject to the imposition of a mitigation condition, and conditions requiring surveys of the ditches for water voles and a badger survey prior to the submission of the reserved matter application, it is considered the proposed development complies with Policy ENV DM3 and Policy ENV DM5 of the Local Plan and the National Planning Policy Framework in terms of species and habitat protection and mitigation.

The net biodiversity gains proposed in the Ecological Assessment Report, the Landscape and Ecological Management Plan and in "Figure 2: Illustrative Biodiversity Enhancement Plan" in the Ecology Response 1 (Ref. eg17809-EC-CR-REV00) include the planting of 370 metres of new hedgerows, the creation of seasonal water bodies, the installation of bat boxes, bird boxes and dormouse boxes, the planting of species rich grassland and scrub areas, the retention of hedgerows and trees, any trees removed should be replaced at a ratio of 2:1, barn owl boxes installed onsite within a suitable location, log piles provided onsite and wildflower grassland created. The proposed net biodiversity gains are considered to be comprehensive and acceptable. Consequently, subject to the imposition of a condition for the implementation of the net biodiversity gains, the proposed development complies with Policy ENV DM5 of the Local Plan and the National Planning Policy Framework.

#### **RESIDENTIAL AMENITY**

It is considered that the siting of the houses on the northern and western part of the site, as indicated on the Illustrative Masterplan (Drawing No. IM003 Rev. E) would ensure that there would be no materially adverse overlooking or overbearing impacts on the existing houses on High Ridge Close and Dalloway Road. In this case, subject to details of layout and design, it is considered that the proposed residential development on Land at Ford Road, Arundel would be acceptable on the residential amenities of

neighbouring properties.

Consequently, it is considered that the proposed residential development would comply with Policy D DM1(3) of the Local Plan and the Arun Design Guide, as the siting of the houses on the Masterplan (Drawing No. IM003 Rev. E) would ensure that there would be no materially adverse overlooking or overbearing impacts on the existing houses.

#### **LIGHT POLLUTION**

Due to the proximity of the South Downs National Park, a Lighting Strategy and Outdoor Lighting Reports have been submitted with the outline planning application which deal with the proposed lighting during the construction phase and the lighting columns which would be constructed prior to the occupation of the dwellings.

Environmental Health has requested a condition be imposed relating to the provision of external lighting to ensure that the lighting that is submitted at the reserved matters stage is appropriate to the wider landscape setting and minimises the impact of the development on the Dark Sky Reserve designation within the South Downs National Park.

Consequently, subject to the imposition of a condition, it is considered that the proposed residential development complies with Policy QE DM2 of the Local Plan in terms of light emissions.

#### **NOISE QUALITY**

A Noise Assessment (Ref. 173483-06), prepared by Ardent Consulting Engineers was submitted with the outline planning application. The Assessment recommended the provision of closed but not sealed windows to control internal amenity sound levels on eastern facades of dwellings on the eastern side of the development. Alternative ventilation would be provided to meet the acoustic specification and the requirements of Building Regulations Part F (ventilation in lieu of open windows). At all other dwellings, the internal sound level criteria could be achieved with open window ventilation; and no further noise control measures were considered necessary. The findings of the Noise Assessment are considered to be acceptable. Environmental Health has requested a condition whereby, prior to the first occupation of any dwelling, details of the noise mitigation measures to protect future residents from transportation noise shall be submitted to the Local Planning Authority. Environmental Health has requested the imposition of conditions requiring the submission of a Construction Management Plan and a condition controlling the hours of construction activities, both of which are considered to be acceptable.

Therefore, subject to the imposition of noise conditions, it is considered that the future and existing residents would not be adversely affected by noise in accordance with Policy QE DM1 of the Local Plan.

#### **AIR QUALITY**

The proposed development is not located in an Air Quality Management Area, however an Air Quality Assessment Report: (Ref. - 173483-05) dated November 2020, was submitted which measured the impact of the construction works and the impact of vehicle emissions from the new residents of the development and it concluded that the impacts of construction works and vehicle emissions were acceptable. Environmental Health has requested a condition be imposed requiring the submission of a Construction Management Plan that includes dust mitigation measures.

It is also requested that a condition be imposed ensuring the provision of electric vehicle (EV) charging points, so as to mitigate against any potential adverse impact of the development on local air quality, in accordance with the ADC Parking Standards SPD. Petrol and diesel cars and vans will not be sold beyond 2040.

It is considered that, subject to the imposition of conditions requiring the submission of a Construction

Management Plan and the provision of EV charging points that the proposed development complies with Policy QE DM3 of the Local Plan, in terms of air quality.

#### **CONTAMINATED LAND**

A Desk Study Report into contamination was submitted. An Unexploded Ordnance Risk Assessment was undertaken and a preliminary unexploded ordnance risk rating of low has been determined for hand dug excavation or limited mechanical excavation or trenching. The overall risk of on-site contamination associated with historical and current land use is considered to be low to moderate. As part of a Phase 2 intensive investigation it is recommended that sampling of any topsoil or potential made ground and underlying soils is undertaken; and land gas and groundwater monitoring should be carried out on the site. In terms of the precautionary principle, Environmental Health has requested that contaminated land conditions be recommended in case further contamination is uncovered on the site during construction works.

Subject to the imposition of the contaminated land conditions, the proposed development complies with Policy QE DM4 of the Local Plan.

#### **SURFACE WATER DRAINAGE**

A Flood Risk Assessment and Drainage Strategy was submitted with the outline planning application which confirmed that the site is primarily within Flood Zone 1, with an area of Flood Zones 2 and 3 running along the eastern boundary alongside Ford Road. A sequential test is not required as one was carried out as part of the Neighbourhood Plan preparation process. It is proposed that surface water run-off would be conveyed via a piped drainage network into swales which would flow into attenuation basins prior to discharge at controlled rates. Adequate treatment of surface water must be ensured prior to discharge.

There are numerous watercourses, ditches and culverts passing through the site and along the boundary. Due consideration would need to be given to these features at the reserved matters stage, ensuring no structures and fences are located within 3 metres of the top of the ditch bank or edge of culvert.

A Hydraulic Modelling Note was submitted with the outline planning application which recommended that all residential development should be located outside the 100 year + 50% flood outline (i.e. there is no residential development in the floodplain in the eastern part of the site). The Modelling Note recommended that all finished floor levels (FFLs) are set 300mm above the tidal 200 year + Climate Change predicted flood (FFLs would need to be at 4.368m AOD or above). Finished floor levels could be conditioned. There would need to be limited groundworks required to create a development plateau in the central part of the site.

It is considered that sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the Flood Risk Assessment and shown on the Illustrative Masterplan, and that subject to the imposition of conditions, the proposed development complies with Policy W DM2 and Policy W DM3 of the Local Plan and the National Planning Policy Framework.

#### **FOUL DRAINAGE**

The Drainage Strategy which has been submitted with the outline planning application proposes that the foul water would be collected by a gravity network and directed to a pumping station on the eastern part of the site. A rising main would then take flows to a proposed discharge point located 150 metres away on Ford Lane. Subject to conditions, the Drainage Strategy is considered to be acceptable.

#### **CLIMATE CHANGE**

The Illustrative Masterplan (Drawing No. IM003 Rev. E) is indicative but it does set out the potential orientation of the houses on the site. It is considered that the reserved matters application should adhere to the Illustrative Masterplan so as to maximise the number of houses set out in an east/west orientation and ensure maximum solar gain. It is considered that the proposed residential development would comply with Policy ECC SP2 through the imposition of a condition requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach.

#### **SUPPORTING INFRASTRUCTURE**

The proposed development would help to support the local community by providing 90 dwellings with a mix of bedrooms (and affordable homes) to meet future needs.

The proposed development would be required to make a CIL contribution on the reserved matters application, not at this outline planning stage. As such, there would be a further benefit to the local community as the development site is located in Zone 3 of the Arun CIL Charging Schedule Zone Maps and would therefore be liable to pay CIL at £100 per square metre of net additional floorspace, based on the information submitted at the reserved matters stage.

Section 106 contributions would be limited to on-site mitigation and affordable housing provision, a developer contribution to WSCC towards the auditing of the travel plan; an appropriate proportional contribution of £18,027.00 towards mitigation at the A27 / A284 Ford Road roundabout in Arundel; and the transfer of the land for the community building and for the allotments to Arundel Town Council, in accordance with Appendix 2 of the Arun CIL Charging Schedule. All of these items are set out in the Heads of Terms Table which accompanies this committee report.

#### **SUMMARY**

This outline application considers the development of this site with 90 residential dwellings; and the red-line boundary includes land that is allocated in Policy AR2 of the Arundel Neighbourhood Plan for a community building and for community allotments. It is acknowledged that this outline application is not capable of changing the use of the land to allotments or for a community building; this which would require a full application or a hybrid part full part outline. Vehicular access is to be by a new access road to the east from Ford Road. Other matters regarding design, layout, appearance, scale and landscaping would be the subject of a reserved matters application.

In summary, it is considered that the Central Green is large enough to accommodate a LEAP and to function as a village green. The layout in the Illustrative Masterplan is predicated upon the surface water drainage strategy for the site, which includes the provision of attenuation basins in the southern part of the site, and the houses and landscaping features have been laid out around these features. Parameter Plans have been submitted identifying the heights of dwellings especially as the site is located within the setting of Arundel. The Illustrative Masterplan has taken account of the root protection areas (RPAs) of the trees that are subject to Tree Preservation Orders. The affordable housing mix is considered to be acceptable. It is considered that the proposed development on Land at Ford Road, Arundel complies with the allocation in Policy AR2 of the Arundel NP and with the policies in the Arun Local Plan and the National Planning Policy Framework.

Paragraph 11(c) of the NPPF (February 2019) advises the approval of development proposals that accord with an up-to-date development plan without delay.

#### **RECOMMENDATION**

The recommendation is that the Planning Committee delegate to the Group Head of Planning (in consultation with the Chairman and the Vice Chairman) authority to:

- a. Authorise the execution and completion of the Section 106 Agreement;

b. Grant planning permission subject to conditions and the Section 106 Agreement.

## HUMAN RIGHTS ACT

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

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

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

## CIL DETAILS

This development is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply) and will be based on floor spaces provided at the reserved matters stage.

## RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and be approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

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

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

3 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

4 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

5 The planning permission relates to the following approved plans:

- Drawing No. 28826 - Site Location Plan, dated 01.03.21.
- Drawing No. PP001 - Parameter Plans (Developable Area; Movement; and Green and Blue Infrastructure).
- Drawing No. 173483-002 Rev. E - Site Access Arrangement.
- Drawing No. 173483-006 - Off-Site Pedestrian Connection Improvements.

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

6 The development shall be in substantial accordance with the Illustrative Masterplan (Drawing No. IM003 Rev. E) and Drawing No. PP001 - Parameter Plans (Developable Area; Movement; and Green and Blue Infrastructure).

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

7 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 been approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the provision as agreed by application AB/135/20/OUT (or any subsequent variation application) prior to occupation of the 45th 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 and Policy AR2 of the Arundel Neighbourhood Plan.

8 All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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.

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



- 9 Prior to the commencement, including any works of demolition, a Construction Management Plan shall be submitted and be approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- a) An indicative programme for carrying out of the works;
  - b) The anticipated number, frequency, routing and types of vehicles used during construction;
  - c) The method of access and routing of vehicles during construction;
  - d) Full details of the construction compound;
  - e) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
  - f) 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 & use of noise mitigation barrier(s). A Noise and Vibration Management Plan shall be submitted in writing for approval by the Local Planning Authority. The scheme shall include appropriate Construction Noise Limits in accordance with the ABC method described in BS 5228
- Part 1 - Noise Control on Construction and Open sites;
- g) Measures to control the emission of dust and dirt during construction
  - h) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
  - i) The parking of vehicles of site operatives and visitors;
  - j) Loading and unloading of plant and materials, including permitted times for deliveries;
  - k) Storage of plant and materials used in constructing the development;
  - l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - m) The provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
  - n) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: For the avoidance of doubt and to protect the amenity of local residents, the environment and highway safety, in accordance with Policy D DM1 and Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

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

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

- 11 No part of the development shall be first occupied until such time as the vehicular accesses serving the development have been constructed in accordance with the approved details shown on approved Drawing No. 173483-002 Rev E - Site Access Arrangement.

Reason: In the interests of road safety, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until footway improvements are provided as shown on approved Drawing No. 173483-006 - Off-Site Pedestrian Connection Improvements.

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

- 13 Notwithstanding the illustrative masterplan layout submitted, details of a cycle path leading south west from the development site onto Priory Lane and a cycle path leading north onto High Ridge Close shall be included within the final layout submitted at the reserved matters stage and these cycle paths shall be retained in perpetuity.

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

- 14 No part of the development shall be first occupied until a detailed Travel Plan has been submitted to and been 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 of Transport or as advised by the Local Highway Authority.

Reason: To encourage and promote sustainable transport, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 15 No dwelling shall be occupied until space for the parking of cars, motorcycles and bicycles in relation to that dwelling have been laid out. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy D DM1 of the Arun Local Plan.

- 16 Garages provided on the site shall measure a minimum of 6 metres x 3 metres internally.

Reason: To ensure that adequate and satisfactory provision is made for the parking (and garaging) of vehicles clear of all highways in accordance with Policy D DM1 of the Arun Local Plan.

- 17 No development shall take place until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No dwelling hereby permitted shall be occupied until the fire hydrant(s) required to serve that dwelling have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that all dwellings on the site are within 150 metres of a fire hydrant for the supply of water for firefighting.

- 18 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). Prior to the commencement of development details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the provision of decentralised and renewable or low carbon energy sources on the site.

- 19 Prior to the commencement of 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 shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Policy D DM1 and Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 20 Prior to the commencement of construction works a Landscape and Ecological Management Plan (LEMP) shall be submitted to the LPA for approval in writing and will be based on the recommendations within the submitted Ecological Assessment Report, the Outline Reptile Mitigation Strategy, the Landscape and Ecological Management Plan and the Further Response to Ecology Consultation document. All the approved details shall then be implemented in full and in accordance with the agreed timings and details.

The LEMP shall include but not be restricted to:

- timings for clearance of trees or scrub to avoid impacts on breeding birds;
- a 30 metre buffer is in place around the badger sett;
- the planting of 370 metres of new hedgerows;
- the creation of seasonal water bodies;
- the installation of bat boxes, bird boxes; barn owl boxes and dormouse boxes;
- the planting of species rich grassland and scrub areas;
- the retention of hedgerows and trees;
- any trees removed should be replaced at a ratio of 2:1;
- log piles provided onsite and wildflower grassland created.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 21 If the reserved matters are submitted 12 months or later from the date of this decision notice, prior to the submission of the reserved matters application(s), the ditches within the site boundary should be re-surveyed for the presence of water voles; and the site should be re-surveyed for badgers. The surveys and mitigation measures should be submitted for approval in writing by the Local Planning Authority. The mitigation measures shall be implemented in

full and permanently retained and thereafter maintained as fit for purpose.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat in line with Policy ENV DM3, Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 22 Prior to the commencement of development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the dwellings shall be submitted to the Local Planning Authority for approval in writing and thereafter be 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 and diesel cars/vans will not be sold beyond 2040, 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 District Council Electric Vehicle Infrastructure Study (November 2017), the ADC Parking Standards SPD (January 2020) and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that the infrastructure for electric vehicle charging measures are in place in the residential development.

- 23 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. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. 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 Policy D DM1 and Policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

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

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

- 25 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.

- 26 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.

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

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 28 Prior to the commencement of development, details of the measures to protect the public sewers/water supply mains should be submitted for approval in writing by the Local Planning Authority, in consultation with Southern Water).

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 29 The occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. Such sewerage capacity works shall not be unreasonably withheld or delayed by Southern Water.

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 30 All finished floor levels (FFLs) are set 300mm above the tidal 200 year + Climate Change predicted flood (FFLs would need to be at 4.368m AOD or above - there would need to be limited groundworks required to create a development plateau in the central part of the site).

The sleeping accommodation would need to be set above the 1000 year Climate Change tidal level of 4.081m AOD. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

- 31 Prior to the commencement of development, details of the proposed outdoor lighting (Details of zone E1 lighting luminaires lux levels) should be submitted for approval in writing by the Local Planning Authority and thereafter be implemented in accordance with the approved details and the lighting shall thereafter be permanently retained and maintained in good working condition.

Reason: To protect the appearance of the area, the environment and wildlife and local residents from light pollution in accordance with Policy QE DM2 of the Arun Local Plan.

- 32 No development above damp proof course (DPC) level shall take place until details of the noise mitigation measures to protect future residents from transportation noise shall be submitted to the Local Planning Authority for approval in writing. The submitted details shall include details of the sound insulation to be provided to achieve the acoustic conditions set out in Table 4 of BS8233. This should be supported by test data of proposed glazing systems and details of the acoustic design and performance of the alternative ventilation system. The approved details shall be implemented prior to the first occupation of any dwelling and shall thereafter be maintained.

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

- 33 Noise from the pumping station, which is to be installed in the eastern area of the site, shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. When assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the applicable 'low probability of adverse comment' level for the test environment in question (i.e. residential buildings, offices, workshops) contained within BS 6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented.

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

- 34 Prior to commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
  2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required

and how they are to be undertaken.

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

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

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

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

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

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

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

36 Prior to the commencement of development, an updated Arboricultural Method Statement (AMS) and an updated Tree Protection Plan shall be submitted for approval in writing by the Local Planning Authority, to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground in accordance with the detailed layout plans. The approved mitigation measures shall be implemented and shall thereafter be maintained.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 and Policy ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that trees are protected during the construction of the development hereby approved.

37 Fifty per cent (50%) of all dwellings (i.e. 45 dwellings) shall be designed and constructed to M4(2) standard and in addition four (4) dwellings shall be designed and constructed to M4(3) wheelchair accessible standard in accordance with 'Access to and use of buildings: Approved

Document M'.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with Policy D DM1 of the Arun Local Plan and Paragraph 61 of the National Planning Policy Framework.

- 38 No development shall take place 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 been approved in writing by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Policy D DM1 and Policy HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 39 Prior to the export of any material from site, or within six months of commencement of development, whichever is earlier, a soils management plan shall be submitted for approval in writing by the Local Planning Authority. The soil handling measures and the proposed use of on-site soils as set out in the approved soils management plan will be implemented on site to ensure that the soil resource is preserved.

Reason: To enable the Local Planning Authority to control the development and protect the soil resources on the site, in accordance with Policy SO DM1 of the Local Plan.

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

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development.

- 41 **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 on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 42 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works



(temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

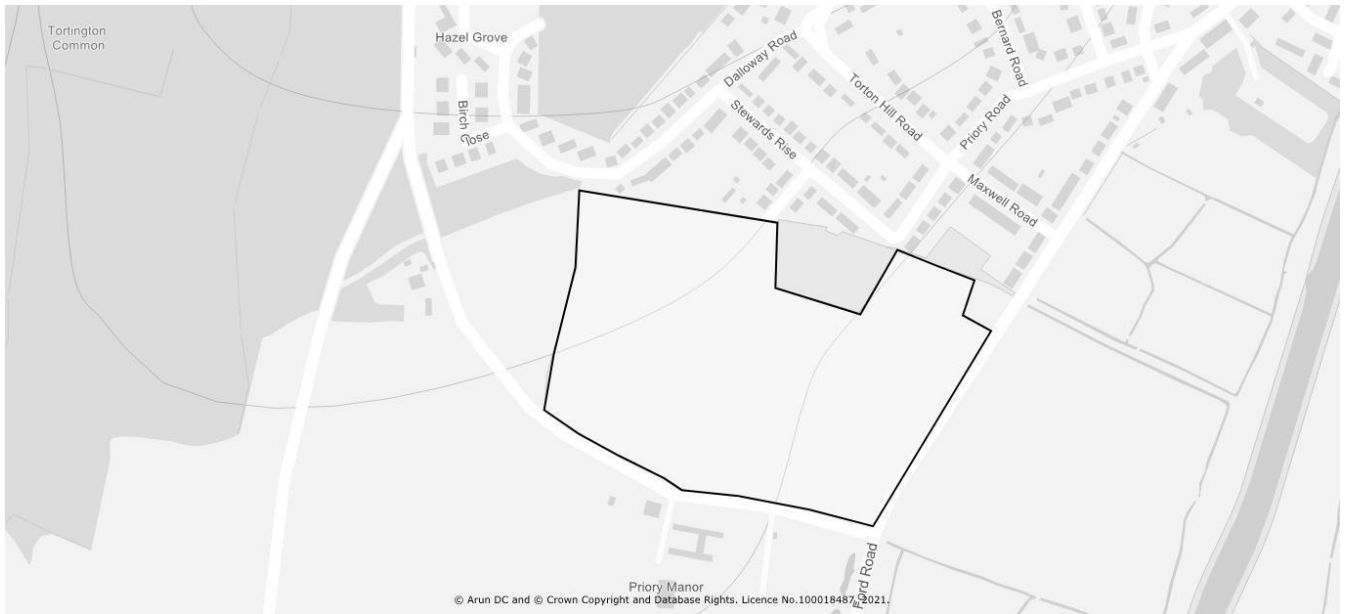
- 43      **INFORMATIVE:**
- The 500mm diameter water trunk main and 150mm water distribution main requires a clearance of 6 metres on either side of the water mains to protect it from construction works and to allow for future maintenance access.
  - No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water mains without consent from Southern Water.
  - The 300mm diameter gravity surface water sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
  - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
  - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.
  - All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.
- 44      **INFORMATIVE:** Southern Water has restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing plant. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and Southern Water's restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.
- 45      **INFORMATIVE:** It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 46      **INFORMATIVE:** The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Highway Officer (Tel. 01243 642105) in order to commence this process.
- 47      **INFORMATIVE:** The applicant is required to obtain all appropriate consents from West Sussex County Council, as Local Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (Tel. 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.
- 48      **INFORMATIVE:** The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 49      **INFORMATIVE:** Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

50       INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

<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)

**AB/135/20/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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