

Report following a request for further information or negotiation

REF NO: P/58/15/OUT

LOCATION: Land at Summer Lane
Pagham

PROPOSAL: Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.

This application was previously heard at the 30th March 2016 Meeting. It was not previously deferred but has been brought back to the Committee because the applicant has requested an extension to the time period for completion of the Section 106 legal agreement.

At the 30 March 2016 Meeting, members resolved to approve the application subject to the signing of a Section 106 within a 3 month period. This 3 month period expires on the 1st of July at which point, if the Section 106 was not complete, in order to follow the agreed resolution, officers would need to refuse the application.

The Applicant has asked for a further period of time to complete the Section 106. Although they requested only another month, it is considered preferable to extend the period by a further 3 months in order to cover any eventualities and avoid the need to bring this back to the attention of the Committee for a further extension.

The new date for completion of the Section 106 agreement would be the 1st of October 2016. If it is not agreed by then then the application would have to be refused for the same reasons as listed at the end of the conclusions section of the officers report.

REPORT UPDATE

Application No: P/58/15/OUT

Reason for the Update / Changes

Reason for Update/Changes:

WSCC Highways have sent their apologies as they are unable to attend the meeting to advise on Highway matters. The following is a short statement regarding the lack of a road link between the two sites and in respect of the proposed improvements to the Pagham Road/Summer Lane junction:

"There is an indicative road shown as part of P/58/15 linking into P/125/14. However, both sites can achieve independent safe and suitable accesses onto the adjacent public highway, therefore according with para 32 of the National Planning Policy Framework. As obligations can only be used to secure matters that are required to make the development acceptable in planning terms, it would be contrary to these requirements to insist that P/125/14 is accessed via P/58/15. Notwithstanding the advice above, if the Committee wanted to pursue this option I would recommend that any obligation requires the Developer to use reasonable endeavours as not to put them in a ransom position should the owner of the ditch come forward.

There are some improvements proposed to Summer Lane and the alignment of the Pagham Road/Summer Lane junction as part of P/58/15. These works are included as part of the planning application. The works involve the building out of the the Summer Lane junction into Pagham Road. This should then improve visibility to achieve MFS standards for a 30mph road. These works will also provide a 1.8m wide footway on the northern side of the carriageway. There is a limit as to what can be achieved due to the limited amount of highway along Summer Lane.

There are already 'no waiting at any time' restrictions around the Pagham Road/Summer Lane junction. If parking is occurring then this is an enforcement matter. However, a contribution has been sought from 125/14 that requires a sum of money to be held and used in the event that additional waiting restrictions are required to mitigate the impact of development."

Officers Comment:

There are no changes to the recommendation or the proposed conditions.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

P/58/15/OUT

Recommendation Report for Outline Consent

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LOCATION: Land at Summer Lane
Pagham

PROPOSAL: Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Outline application including access details. Appearance, landscaping, layout and scale are reserved for later consideration.

The application concerns the erection of up to 90 dwellings comprising a mix of 2, 3 and 4 bedroom units at a maximum height of two storeys. The site is split into two separate areas which cover three parcels of land. Land to the north of Summer Lane comprises an area of housing including internal roads and landscaping. This is split into two parcels which lie adjacent to each other, but there would be no access between them. To the south there is a roughly rectangular strip of land proposed as public open space (POS) which the applicant states will be transferred to the Parish Council.

The proposal includes on-site provision of 27 affordable units split between 19 social rented and 8 intermediate.

In terms of access details the proposals involve the retention of Summer Lane and some improvements along it in order to control speeds whilst providing an improved footway connecting with Pagham Road. The proposal includes two access points into the proposed housing estate off Summer Lane, one is proposed 80m from the junction with Pagham Road, with the second access point being 260m to the west of Pagham Road. Each access point would include two way vehicular access.

AMENDMENTS

The scheme has been amended whilst being processed. It was proposed to provide a road to the north of the site to link this proposal with the Orchard Homes development (P/125/14/PL) which is a scheme for 40 dwellings. Due to land ownership issues (details of which are elaborated upon in this report) the application now includes the following provisions:

- (a) grant a pedestrian right of way via a footpath to the application boundary, subject to the Council procuring a Compulsory Purchase Order (CPO) for crossing the ditch;
- (b) provide a footpath between the end of the proposed road layout and the ditch, subject to the Council procuring a CPO for crossing the ditch; and
- (c) grant construction access rights for the Council to use the site access road for construction access, subject to the Council procuring a CPO for crossing the ditch.

SITE AREA

5.6 hectares including access.

RESIDENTIAL DEVELOPMENT DENSITY

16.1 dwellings per hectare total / 28 dwellings per hectare on the two parcels of land to the north of Summer Lane.

TOPOGRAPHY

Appears flat but has a slightly declining gradient from east to west.

TREES

There are 4x trees within close proximity of the site - 2 poplar trees, 1 ash and 1 oak.

Tree Preservation Orders (TPOs) have been served on three of the trees. TPO/P/1/15 refers to an Ash tree, TPO/P/2/15 refers to two poplar trees. The applicant proposes that all these trees would be retained and would be unaffected by the proposed development.

BOUNDARY TREATMENT

The northern boundary is defined by scrub and a ditch and there is a hedgerow and a tree bordering a small paddock to the north west. To the east the site is bordered by broken hedgerow which adjoins the rear gardens of Brooks End/Sylvia Close. The southern boundary partially adjoins a dwelling off

Summer Lane and is divided hedgerows and post and rail fencing. The remainder of this boundary abuts Summer Lane.

The parcel of land to the south is open on its north, west and southern boundaries. The east is bounded by a village hall, open space and garden boundary fences associated with existing properties.

SITE CHARACTERISTICS

The site covers two separate parcels of land both to the north of Summer Lane, with a separate parcel of land to the south. The area of land to the south is proposed as POS comprising approximately 1.6ha with the remaining land to the north of Summer Lane proposed for housing and associated POS. The total POS area comprises 2.57ha.

The site comprises mainly agricultural land to the west and informal grazing land/scrub on the parcel of land to the east. To the west of the site the land is bordered by arable land which continues in a westerly direction. To the east of the housing site are the rear of dwellings associated with Brooks End and Sylvia Close, and there are a number of residential properties and Pagham United Reformed Church which face the proposed POS area. Land to the north is dominated by the Mill Farm Park Homes estate.

Summer Lane comprises a road and a public footpath (FP100) providing access to a small number of large, detached properties arranged in a linear formation on the north side. Summer Lane continues in a westerly direction where it provides access to a small number of isolated properties, but it is more regularly used as a footpath.

CHARACTER OF LOCALITY

Despite its relatively close proximity to Pagham the site has a rural feel owing to the nature of the site and the large expanse of open countryside to the west. It sits on the very western edge of the settlement, the extent of which generally follows the line of Pagham Road. The only exception to this is the Mill Farm Estate which lies to the north of the site which comprises a large residential park

homes estate; this encroaches into an area of former countryside.

Dwellings to the south along Summer Lane are detached properties of individual appearance. Properties to the east within Brooks End and Sylvia Close comprise a mix of detached and semi-detached dwellings.

RELEVANT SITE HISTORY

There is no relevant planning history relating to this site.

On land to the north east there is a concurrent, detailed planning application for 40no dwellings (P/125/14/PL). The application is under consideration.

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection/support the application.

"The submission by the applicant relates to a major part of the site selection endorsed by Pagham Neighbourhood Plan. This has been the result of a 3 year process involving volunteer focus groups and a steering group charged with the responsibility of securing the best expedient for development within the Parish having regard to the severe infrastructure constraints and results of the community consultation process.

In respect of the latter there was overwhelming objection against any possible consent for large developments on Greenfield sites which would be bound to compound existing problems. These are:

- Access to the strategic road network;
- Severe congestion at peak times; and
- Surface water flooding and imposition upon local sewage system which, at times of heavy rainfall, suffers surcharge, and thus release of partially treated effluent via the Rife to the nature reserve.

Maintaining housing development to a figure close to the ADC strategic allocation has been the guiding principle of Neighbourhood Master Planning. The conjoining of both the Hanbury and adjacent Orchard development sites became the preferred option to best serve the Pagham Community. We are pleased to note that this application is almost identical replication of the plans previously approved by the Neighbourhood Plan team. The spatial context, peripheral low-rise properties, screening and landscape buffering are all essential elements of our master-planning agreement. We note the provision of large on-site open space and the locally well received significant allocation of Accessible Natural Open Green Space (ANOGS) immediately adjoining the village hall complex. This would provide the village green, identified in the 2004 Parish Plan as the outstanding recreational deficiency suffered by Pagham community.

P/58/15/OUT

Members note compliance with VDS and master-planning in respect of Sustainable Urban Drainage Systems (SUDS) and sewage, both using natural topography to existing drainage ditches and the sewage works respectively. SUDS will incorporate swales and attenuation ponds as biodiversity contribution, and the further commitment to landscape security and safeguarding of the very large arable land area between the biodiversity area and Mill Farm Estate. The latter is secured by a formal covenant with Pagham Parish Council. The road linkage with the Orchard site and the widening and sight-line improvements to the Summer Lane junction with Pagham Road are all essential features".

Following issues regarding the delivery of the link road to the north east in order to link this development with P/125/14/PL the Parish have made the following additional comments:

"Representatives of the Neighbourhood Plan Steering Committee and Parish Council were invited to meet with ADC Planning Officers and Natural England representatives on 21st January 2016. This meeting resulted in a commitment on the part of Natural England to endorse the conjoined development Hanbury/Orchard at 251 Pagham Road/Summer Lane, and to write a supporting letter having regard to the agreed mitigation requirements. The Neighbourhood Plan is therefore proceeding through Regulation 16 towards referendum and full adoption in accord with the revised ADC timetable (Final cost £56k).

At the Parish Council meeting of 2nd February 2016, members resolved to press for determination of both applications at the earliest convenience. The Neighbourhood Plan team (after 4 ½ years of volunteer input) had always promoted the delivery of this development package in accord with the parish consultation process. We believe that the shared road access central to the site should be a feature stipulated by condition and that it should be unfettered and adoptable, but, in accord with WSCC Highways acceptance that a single, Summer Lane, access to the Hanbury site did not provide any reason for their objection, the Parish Council recognizes that it should not insist upon the former if in any way that would delay or inhibit ADC approval.

We acknowledge that site drainage (SUDS) is a straightforward matter for Hanbury, but have recommended specific supervision of the Orchard system by ADC engineers.

For the avoidance of doubt, we would confirm that the Parish Council is fully supportive of these two developments and, irrespective of the content of this letter, would wish to see no encumbrance to an early determination by the Planning Authority."

41 objections and 8 letters in support:

Objections:

- Alternative access needs to be considered;
- Building on farmland;
- There are 2 natural springs in the area;
- There is insufficient infrastructure in Pagham to support any further housing;
- Flooding problems;
- Issues with the junction of Summer Lane and Pagham Road and visibility around the bend on Pagham Road. This application results in over 100 additional cars using the junction;
- Summer Lane a place for walkers. Development will totally ruin this;
- Street lighting will shine into property;
- The plan provides for relocation of the footpath to the north side of Summer lane This change does not then provide suitable safe width for the properties at the entrance to

Summer Lane on the south side of the redesigned road;

- Cars are currently parked in existing bays nearly always. This constantly reduces the access/exit to Summer Lane to effectively single lane access;
- Large refuse collection lorries go right to the end of the existing housing, parking all the way down, and on the single-track un-adopted part of Summer Lane;
- Additionally, extra-large sewage tankers service the sewage treatment works at the very end of Summer Lane. These are a similar width to above example, and also block the road as above;
- The yellow 'no parking' lines indicated around the east access point will not prevent parking by cars displaying blue badges. Cars so parked in these narrow sections of Summer Lane will simply add to the burden and consequential chaos caused by additional significant traffic volumes. The same applies to cars illegally parked on yellow lines. With additional cars and limited parking in the immediate area serving the local shops, it will only exacerbate illegal parking;
- The owners of properties on the north side of the un-adopted part of Summer Lane would be responsible for maintenance outside their property which would not be acceptable;
- If the footpath is relocated from the south side to the north side and is a consistent 1.8m in width this would leave a road width of between 4.4m and 5.0m without any stand-off on the south side. At no point could the road width be 5.2m as suggested in the proposed plan;
- At present, the south side footpath incorporates lamp posts and a telegraph post. With no stand-off these would also need to be relocated to the north side and, amongst other concerns, this would bring the street lamps much closer to bedroom windows. Within the road there are various run-off drains and man holes, all of which would need moving if the footpath is relocated from the south to the north;
- Heavy rain makes the site flood easily as it is on a flood plain;
- Pagham Neighbourhood Plan Area 31 would be much more suitable;
- We should be protecting areas of Green Space;
- The development backs onto Conifer Way and affects views and impact on the amenity of properties;
- Double yellow lines do not stop blue badge holders stopping there;
- The fields in front and behind Summer Lane are inhabited by bats;
- The noise of the traffic is bad enough already;
- Pagham Road is already too busy; and
- An objection has been submitted with photographs appearing to show the site being flooded. The objector is concerned that the site is susceptible to flooding.

Supporters:

- Majority of land has been unused for decades. Major housing problem in area for young couples;
- Pagham needs affordable housing;
- Development would provide parking within the development site;
- Tastefully designed and sympathetic expansion and green areas; and
- Includes a new local park.

Comments on Representations received:

These representations are dealt with in the main body of this report.

CONSULTATIONS

Highways England
WSCC Strategic Planning
Environment Agency

Environmental Health
Surface Water Drainage Team
Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Parks and Landscapes
Arboriculturist
Planning and Housing Strategy
Sussex Police-Community Safety
Natural England
Ecology Advisor
Archaeology Advisor

Consultations responses received:

NATURAL ENGLAND - No objection. Comments summarised as follows:

The application includes a Habitat Regulations Assessment which recognises the potential for likely significant environmental effects on Pagham Harbour SPA and Ramsar Site through the pathway of recreational pressure. Natural England welcomes the commitment by the applicant to make a financial contribution towards the agreed strategy in order to deliver the following mitigation measures:

- Provision of a year round warden (part-time);
- Signage/interpretation, access management & education; and
- Monitoring.

Support the inclusion of recreational greenspace integral to the development which can be used by dog walkers as detailed in the HRA document including:

- An off-lead dog exercise area/informal and core open space;
- Dog walking route/circular walks; and
- Information pack for new residents/local signage and interpretation.

Brent geese use arable land to the north west of the site. Most of the eastern boundary of this field is adjacent to already developed land with open landscape the north, west and south. Natural England is pleased to note there is a buffer of land between the development site and the arable land which should be retained to maintain the existing boundary. Unlikely to be significant impact on the dark-bellied Brent geese.

No objection provided that the development falls within the strategic approach and adequate contributions towards the strategy.

RSPB - Comments summarised as follows:

The application could lead to increased recreational pressure on the SPA, which could have a significant impact in combination with other housing developments planned in the area.

The RSPB has been working jointly on a strategic approach to mitigating recreational disturbance. The applicant also describes greenspace included as part of the development, which the applicant states will reduce recreational pressure on the SPA. The RSPB's view is

that greenspace may be used by some residents for short daily dog walks, and as such is welcomed. It will not replace resident's desire for longer walks or to visit the coast. It is only acceptable in association with the additional mitigation measure on the SPA.

ENVIRONMENT AGENCY - No objection to the proposal as submitted.

HIGHWAYS ENGLAND - No objection.

SOUTHERN WATER - No objection subject to imposition of a condition securing details of foul and surface water sewerage disposal.

SUSSEX POLICE - Provide detailed comments but no objections. The comments provided could be addressed through the submission of reserved matters.

WSCC HIGHWAYS - Initially raised concerns with the level of information submitted but further information was submitted by the applicant.

The NPPF states development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Taking account of the mitigation proposed as part of the development, the LHA are satisfied that no severe impact would result from this proposal. No highway objection would be raised.

Full comments as follows:

"The applicant has confirmed that the eastern development access from Summer Lane will be widened to 4.8 metres. Visibility splays of 2.4 by 25 metres are shown at both junctions. The 25 metre element of the splays is based upon a design speed of 20mph. Given the constrained nature of the local highway network, this design speed and consequently the splays are considered appropriate.

A number of points were raised relating to Summer Lane. The proposed works have been revised. The revised scheme slightly widens the carriageway width (to 4.5 metres from the 4.1 metres previously shown) in the vicinity of the eastern access. This widening is at the expense of the proposed footway width, although this still retains a width of 1.5 metres. Even with the additional development, Summer Lane will be lightly trafficked and low speed. The proposed carriageway and footway widths at this location reflect only a pinch point where a consistent 4.8 metre carriageway and 1.8 metre footway are provided. In light of the constraints in this location, the widths are considered appropriate. Again at the eastern development access, swept paths have been provided for a refuse vehicle entering and exiting. These show that a refuse vehicle would occupy Summer Lane when turning in or out. This situation is not uncommon at many existing junctions due to the onerous swept path of a refuse vehicle. However the swept paths clearly show that no waiting at any-time restrictions will need to be installed to prevent obstructive parking from taking place. To ensure the restrictions are enforceable these will require a Traffic Regulation Order. The LHA within their initial comments highlighted that due to the requirement for public consultation no guarantee can be offered that the TRO will be made. There is consequently an element of risk.

Given that the eastern access is dependent upon the TRO, this process would need to be completed prior to development commencing. In the event that the TRO failed, alternate measures may then need to be considered.

The implications on visibility from existing driveways on the south side of Summer Lane as a result of relocating and widening of the footway to the northern side has been considered in greater detail. The results of this indicate that visibility will be worsened although at most of the accesses visibility is already substandard. The visibility splays for each of the properties has also been drawn within the extent of the public highway and the curtilage of the respective dwelling. All of the dwellings in question presently have open frontages, permitting visibility over the adjoining land. Whilst occupiers of these dwellings may erect fencing or seek to enclose their front gardens, in practice this is perhaps unlikely given that it would then severely constrain visibility from their own respective access.

The views of an independent road safety auditor have been sought in respects of the matter of reduced visibility. They have confirmed that on balance they consider the overall road safety impact to be neutral given the benefits of other works proposed.

It is also noteworthy that the Stage One Road Safety Audit provided with the application raised no problems or concerns regarding reduced visibility at the existing southern accesses caused by the proposed highway works. The potential reduced visibility from the existing southern access points is acknowledged. Conversely though, visibility at the accesses on the northern side of Summer Lane will be improved. Taking the evidence available and the overall benefit from the highway improvements, on balance these are considered to be acceptable. With regards to the proposed northern footway, the potential ability to tie in with existing driveway and carriageway levels has been checked. Whilst such matters will be considered in greater detail as part of any s278 agreement, in principle there appear to be no fundamental matters with the ability to construct the footway.

An additional response was sought from the applicant towards two problems raised within the Stage One Road Safety Audit (RSA). These problems related to the lack of a margin between the southern carriageway edge and third party boundary treatments. The scheme has been revised so as to include a minimum 300mm margin along the southern carriageway edge following the relocation of the footway.

The other problem was in respects of pedestrian visibility at the realigned Summer Lane/Pagham Road junction. A 2 by 2 metre pedestrian visibility splay has been demonstrated on the submitted drawings, although visibility for crossing pedestrians will in practice be greater and not significantly different to that which is available at present. This matter is considered to be addressed.

Conclusion

The NPPF states development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Taking account of the mitigation proposed as part of the development, the LHA are satisfied that no severe impact would result from this proposal. No highway objection would be raised. If minded to permit this application, the following conditions and informatives are recommended."

Conditions as recommended are included at the end of the report.

WSCC INFRASTRUCTURE - Require contributions in respect of (1) Primary Education £215,644 (2) Secondary Education £232,083 (3) 6th Form £54,369 (4) Libraries £23,634 (5) Fire and Rescue £2,144 (6) On-site provision of 3 hydrants.

WSSC FLOOD RISK MANAGEMENT TEAM - No objection subject to a condition securing detailed Surface Water Drainage designs. The surface water drainage approach (attenuation and discharge to watercourses) generally appears to meet the requirements of the NPPF, PPG and associated guidance documents. Final detailed designs of the surface water systems have not yet been submitted.

CHICHESTER DISTRICT COUNCIL ECOLOGY - Comments summarised as:

Bats - Hedgerows on site are to be used by bats and they need to be retained and enhanced. Any removed hedgerows, as identified in the survey, will need replacing. Conditions recommended.

Lighting scheme will need to consider bats populations.

Water Voles - Moderate population of water voles within ditch 7 and 8. Mitigation measures proposed acceptable and could be conditioned.

Reptiles - Mitigation method statement required due to reptile populations.

Badgers - Further badger survey required. This can be conditioned.

Nesting Birds - Trees or vegetation clearance can only take place outside bird breeding season, otherwise further survey required.

Enhancements - The following enhancements required:

- Bat and Bird boxes; Use of bat bricks and tiles; Wildflower seed mix used; Native species used within landscape design; Wildlife pond; and Installation of log pile.

Recreational Disturbance

CDC and ADC have been working on a strategic scheme of avoidance for new developments within 5km zone of influence around Pagham Harbour SPA. The proposed development requires a financial contribution to mitigate harm.

CDC ARCHAEOLOGIST - No objection. "I agree with the Desk Based-Assessment supplied with the application that the potential for this site to contain deposits of archaeological interest is such that it should be evaluated prior to development, the aim being to identify significant archaeological deposits that might be present and to implement appropriate measures for their preservation."

ADC GREENSPACE - "The Council's SPG guidelines require that 2.4 hectares of open space are provided for every 1000 people. With the number of houses on this proposal indicating 90no this would require as a minimum 5184m² which the proposals show in excess. The areas indicated for the majority of POS are somewhat disjointed with a large area indicated for an area across the road from the development and not in proximity to the dwellings, however, this does tie in with the community building and associated greenspace here. The proposals would also trigger the need for onsite local equipped area for play (LEAP) and local area for play (LAPs) to be included in within the site...A management plan would be sought for the forward maintenance of public open space, detailed regime and responsibility".

Other comments from the Green Space officer confirm that full landscaping details are required including buffer zone and hedge enhancements, along with full tree protection measures.

ADC ENVIRONMENTAL HEALTH - No objection subject to the imposition of condition requiring an Environmental Construction Management Plan.

ADC HOUSING STRATEGY AND ENABLING MANAGER - Initially objected to the proposed affordable housing mix. Application subsequently amended to provide a mix which was considered acceptable. No objection to the revised affordable mix which is compliant with policy requirements.

ADC DRAINAGE ENGINEERS - No objection.

Full comments as follows: "Attenuation and restricted discharge to ditches is proposed for surface water drainage. It is stated that ground conditions make soakage impracticable. Please provide evidence of percolation rates and groundwater levels from the winter period. Please apply standard conditions ENGD2A, ENGD4A, ENGD5A, ENGD6A.

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 BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert and entry pipe to the soakaway, and the base of the structure. It must have the provision to ensure that there is capacity in the system to contain below ground level 1 in 100 year event plus 30% 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 of 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. If the ground conditions do not allow for infiltration, restricted discharge to the watercourses at Qbar is acceptable. The 1 in 100 year storm event plus 30% should be stored without causing flooding.

Ditches in the area are likely to require maintenance prior to setting levels, silt should be removed until hard bed is reached. A positive outfall should be identified. However, rates restricted to Qbar should cause no greater flooding risk than the present risk".

The drainage office has also commented that a drainage scheme designed in co-operation with Hanbury would be beneficial.

ADC TREE OFFICER - No objection. "I would agree with the applicants observation that T1 - T3 location (on the opposite side of a deep drainage ditches) would directly affect the root morphology, and is likely to have caused the root protection area to span offsite (due to the void preventing spanning towards the site). I would also agree with the outlined protective measures for T4, which would include full implementation of static fencing for the RPA area that spans into the development area. I would have no objection to the proposed protective measures outlined in the application submitted, as they meet the BS 5837:20102".

Comments on Consultation responses:

Comments from consultees are dealt with in the main body of this report.

A landscaping condition is recommended by a consultee but it is considered that landscaping

details are a reserved matters requirement.

POLICY CONTEXT

Designations applicable to site:

- Outside of the Built Up Area Boundary;
- Flood Zone 1;
- Strategic/Local Gap (proposed POS to the south of Summer Lane only); and
- No Public Sewer.

DEVELOPMENT PLAN POLICIES

<p>Arun District Local Plan 2003:</p>	<p><u>AREA10</u> <u>DEV17</u> <u>GEN2</u> <u>GEN3</u> <u>GEN5</u> <u>GEN7</u> <u>GEN9</u> <u>GEN11</u> <u>GEN12</u> <u>GEN15</u> <u>GEN18</u> <u>GEN20</u> <u>GEN29</u> <u>GEN32</u> <u>GEN34</u></p>	<p>Strategic Gaps Affordable Housing Built-up Area Boundary Protection of the Countryside Provision of New Residential Development The Form of New Development Foul and Surface Water Drainage Inland Flooding Parking in New Development Cycling and Walking Crime Prevention Provision of Public Open Space within New Development Nature and Conservation Across the District Noise Pollution Air Pollution</p>
<p>Publication Version of the Local Plan (October 2014):</p>	<p>C SP1 Countryside D DM1 Aspects of Form and Design Quality D DM3 External Space Standards D SP1 Design ECC SP2 Energy and climate change mitigation ENV DM1 Designated sites of biodiversity or geological importance ENV DM2 Pagham Harbour ENV DM4 Protection of Trees ENV DM5 Development and Biodiversity ENV SP1 Natural Environment GI SP1 Green Infrastructure and Development H DM1 Housing Mix HER DM1 Listed Buildings HER SP1 The Historic Environment H SP2 Affordable Housing INF SP1 Infrastructure provision and implementation LAN DM1 Protection of Landscape</p>	

Character
OSR DM1 Open Space, Sport and
Recreation
QE DM1 Noise Pollution
QE DM2 Light Pollution
SD SP2 Built-Up Area Boundary
SD SP3 Gaps Between Settlements
T DM2 Public car parks
TEL SP1 Strategic delivery of
telecommunications infrastructure
T SP1 Transport and Development
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage
Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

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

will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Pagham Parish Council has publicised its Neighbourhood Plan for Pre-Submission purposes. This process is on hold whilst more work is carried out.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

CONCLUSIONS

PROPOSAL:

The site is split into three areas. The two parcels of land to the north of Summer Lane involve the erection of up to 90 dwellings comprising a mix of 2, 3 and 4 bedroom dwellings which would be a maximum of two storeys in height. The indicative layout shows a split - 40 dwellings on the western parcel and 50 dwellings on the eastern parcel with lower density on the western periphery of the site, and the higher density being positioned further east. The proposal includes on-site provision of 27 affordable units split between 19 social rented and 8 intermediate.

The single parcel of land to the south of Summer Lane comprises an area of POS which the applicant intends to hand to the Parish Council. 2.5ha of open space would be provided by the proposed development across the three parcels of land, most of it being within the land to the south of Summer Lane, although there is a relatively large amount of open space proposed on the housing sites. The scheme includes provision for 3 children's play areas (LAP, LLAP and LEAP).

Access to the two housing sites to the north would be taken at separate points off Summer Lane. The proposal includes alterations to Summer Lane including widening of the lane, footpath provision and junction improvements.

PRINCIPLE:

The site lies outside the built-up boundary and in an area of open countryside where the principle of residential development is considered unacceptable. Local Plan policies are in place to curtail inappropriate development in the countryside. Policy C SP1 of the Local Plan Publication Version (2014) seeks to protect the countryside for its own sake. The NPPF seeks to avoid isolated homes in rural areas and seeks to ensure that the character of the countryside is protected and enhanced where possible. The site is not identified in the most up-to-date Strategic Housing Land Availability Assessment (SHLAA). Affordable housing provision complies with the 30% required by the Interim Affordable Housing policy and policy H SP2 of the emerging Local Plan.

Some of the site is located on agricultural land (Grades 3a and 3b) thus some of the site appears to be located on the best and most versatile agricultural land as defined by the NPPF.

Local Plan (2003) policies seek to focus development within built up areas and this is reflected in saved policies GEN2 and GEN3. Development outside settlement boundaries is not supported by these policies. Whilst the application falls adjacent to the defined settlement boundary, it is in an area of countryside and falls outside the settlement boundary.

In terms of weight afforded to 2003 Local Plan policies (in particular GEN2, GEN3 and GEN5), this is largely dependent on the conformity of these policies with the NPPF. The NPPF advises that housing applications should be considered in the context of a presumption in favour of sustainable development (see below), and relevant policies for the supply of housing should not be considered up-to-date if the Local Authority cannot demonstrate a 5 year supply of housing sites. Whilst policy GEN3 states that "The Countryside will be protected for its own sake", this is not fully reflected in the NPPF, which requires the intrinsic character and beauty of countryside be recognised and is, thus, less restrictive. Draft Core Strategy policy C SP1 is more specific and reflective of the NPPF. Housing as proposed is clearly not advocated by this policy.

Of crucial importance in this case is the consideration that the Council cannot demonstrate a 5 year housing land supply in compliance with the NPPF. The Council's most recent evidence reports a supply of 3.26 years. There has been consistent under-delivery against the most recent objectively assessed need of 845 new dwellings per annum and the Council cannot meet its objectively assessed housing need.

Para 14 of the NPPF states a presumption in favour of Sustainable Development. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Local Plan Publication Version (2014) is an emerging document which has been suspended pending an update to increase proposed housing numbers. Whilst a number of policies are applicable to the proposed development, the emerging Local Plan can only be afforded very limited weight in the decision making process. Policy HSP1 of the emerging Local Plan states:

"Strategic Housing shall be accommodated as follows:

1. Sustainable urban extensions adjoining Littlehampton from existing planning consents

2. Site specific allocation at Barnham / Eastergate / Westergate
3. Site specific allocation at Angmering
4. Area Action Plan Development Plan Document for the Littlehampton Economic Growth Area including West Bank
5. Site Specific Allocations Development Plan Document for Ford and Fontwell and
6. Parish and Town allocations"

The development does not fall under any of the sites within 1-5. It potentially falls within '6' (above) where Pagham is allocated a minimum of 100 dwellings to be potentially identified in Neighbourhood Development Plans.

PAGHAM NEIGHBOURHOOD PLAN:

In December 2014 the Pagham Neighbourhood Plan (NP) was withdrawn from consideration so that further studies could be produced in respect of the potential impact on Pagham Harbour SPA/Ramsar Site. This additional work has been completed and the Pagham Neighbourhood Plan has undergone a 6 week consultation period under Regulation 14 (Neighbourhood Plan Regulations 2012). Given the early stages of preparation, and considering the Plan has not gone through a formal examination process, limited weight can be attributed to the Neighbourhood Plan as a material consideration.

The limited weight that can be afforded to the Pagham Neighbourhood Plan requires any development proposal to be assessed against Draft Neighbourhood Plan Policy 2:

"The Neighbourhood Plan allocates the following sites for low density housing development, as shown on the Proposals Map, subject to the development principles outlined:

i. up to 90 dwellings on Land off Summer Lane, comprising a mix of 2,3 and 4 bed bungalows and houses, to be delivered in the period 2014 - 2019, provided the scheme:

a. makes provision for contributions towards the agreed Strategic Approach to Access Management at Pagham Harbour to mitigate recreational disturbance to the features of the Pagham Harbour SPA.

b. makes an appropriate financial contribution to Pagham's Accessible Natural Open Green Space (ANOGS) shown on Inset Map 2 as the hashed area south of Summer Lane and provides open space or green infrastructure with recognised qualities within the development area that links to the ANOGS.

c. demonstrates that locally valued and important habitats, including wildlife corridors and stepping stones will be retained and sympathetically incorporated into that part of the ANOGS or other public open space scheme that lies within a Biodiversity Opportunity Area (as defined on the Arun Local Plan Proposals Map) and that any disturbance to habitats of the adjoining development scheme will be minimised;

d. layout allows for road, footpath and cycle connectivity to the adjoining Land south of Inglenook Hotel site to the satisfaction of the local highway authority;

e. implements improvements to Summer Lane and to its junction with Pagham Road to the

satisfaction of the local highway authority"

Based on the summary above, the Council's specific housing policies set out in the Local Plan (2003) and emerging Local Plan are not considered to be up-to-date and therefore, the presumption in favour of sustainable development applies.

CONCLUSIONS ON PRINCIPLE OF DEVELOPMENT:

In light of presumption in favour of sustainable development, it is necessary to consider whether the scheme would constitute sustainable development.

Whilst the contents of the pre-submission Pagham Neighbourhood Plan do not hold a significant amount of weight in the determination of this application, it is considered that the details set out in Neighbourhood Plan Policy 2 are, at the very least, a useful yardstick by which to measure a number of environmental benefits associated with the proposal. The application proposes a financial contribution to the Agreed Strategic Approach to Access Management at Pagham Harbour to mitigate recreational disturbance to the features of the Pagham Harbour SPA. The application includes a large area of on-site POS immediately adjacent to the village hall complex to the south. The total area of POS associated with the proposal is 2.57ha which is well above adopted policy requirements. The indicative layout shows extensive paths and landscaping and potential ecological improvements - all the above align with the provisions of the pre-submission Pagham NP and Pagham Parish Council raise no objections and comment that the proposal adheres to the criteria set out in Pagham NP policy 2.

On the other hand, the application is proposed on greenfield land (partially best and most versatile agricultural land) and would involve the extension of the western edge of Pagham into an area of open countryside. These are considered to constitute significant negative environmental elements associated with the scheme which, as it stands, are contrary to existing local policies and the NPPF which seeks to protect the countryside from inappropriate development.

Taken in the wider context, officers are of the view that the site represents an accessible location being close to services and amenities, close to a bus route and lying adjacent to the settlement boundary. The potential recreational benefits brought about by the areas of POS, which would also improve the function of the village hall, convey social benefits. Similarly, the proposed affordable housing elements would bring about social and economic benefits to the local area and the provision of 90 units would also bring about local economic benefits and temporary construction jobs. A number of monetary contributions are proposed to support local services, in line with policy requirements. Whilst it is acknowledged there are a number of significant environmental dis-benefits associated with the provision of new housing outside the existing settlement boundary, in the round, the proposal is considered to constitute a sustainable development form. The requirement, under paragraph 14 of the NPPF, is to identify whether or not there are any significant and demonstrable harmful considerations which outweigh the presumption in favour of sustainable development.

It is noted there is a current application on land to the north east for 40 no dwellings by Orchard Homes, on the opposite side of the ditch which borders the application site. The Publication Version of the Local Plan (2014) makes provision for 100 dwellings in the Pagham area to be exclusively identified in Neighbourhood Plans. These are minimum figures. Within this context the application (for 90 no dwellings) taken cumulatively with the Orchard Homes proposal would

not undermine the housing numbers put forward in the emerging Local Plan. It is noted that the application reflects most of the criteria set out in Policy 2 of the emerging Pagham NP. The scale of development proposed reflects the Pagham NP (despite its relatively early stage of preparation) and overall, the development taken both in isolation and in combination with other housing locally is not considered to undermine the plan making process.

There is a specific requirement in Policy 2 of the emerging Pagham NP to provide road, footpath and cycle connectivity to the adjoining land to the north. The applicant, in conjunction with the applicant P/125/14/PL, has encountered an issue concerning the ownership of the ditch which divides the sites. The ditch is unregistered land and the applicants are unable to connect the sites by way of a road link.

Following further consultation by the applicant with the Parish Council, the Parish Council have provided a further response to the application and confirmed that they are satisfied with the proposal without a road link between the sites, subject to the satisfaction of WSCC highways. In order to provide a potential pedestrian link between sites, the applicant proposes the following provisions by way of a S106 Agreement:

- (a) grant a pedestrian right of way via a footpath to the application boundary, subject to the Council procuring a Compulsory Purchase Order (CPO) for crossing the ditch
- (b) provide a footpath between the end of the proposed road layout and the ditch, subject to the Council procuring a CPO for crossing the ditch
- (c) grant construction access rights for the Council to use the site access road for construction access, subject to the Council procuring a CPO for crossing the ditch

Given the identified constraints, the proposed resolution above would ensure an acceptable link between the sites in accordance with policy 2 of the NP.

Whilst the area of land to the south of Summer Lane comprises agricultural land, the use of this land as public open space would contribute an area of recreational land without significantly impacting on the character and appearance of the area or the openness of the countryside. This area of land is identified as strategic gap in the Local Plan and (Area 10) and policy SD SP3 of the emerging Local Plan. Improving access and providing habitat enhancement is in compliance with the thrust of both these policies.

DESIGN, CHARACTER & LANDSCAPE:

The proposal, being sited on an open greenfield site, would alter the character and appearance of the area to an extent by extending the existing settlement boundary in a westerly direction. Some landscape 'harm' is unavoidable. The openness of the western parcel of land would be affected, with the eastern parcel remaining more hidden from wider views. The applicant has submitted a Landscape and Visual Impact Assessment which more or less corresponds with these observations.

There are no national landscape designations associated with the site and the indicative layout is designed so as to provide a softer edge on the western boundary - closest to open fields - with the scale, form and density of development being complementary to existing developments on Brook End and Sylvia Close. Views from footpath 108 to the west would reveal a housing development set against the backdrop of existing residential development on the edge of Pagham. In that

sense there is a natural affinity between residential development to the north and east and the proposed development, albeit having regard to the fact that the land itself would be substantially altered in terms of appearance. From Summer Lane and from some other obtainable views from properties to east, the impact of the development would be felt with more force as current views represent a large area of open countryside.

The application is in outline form and details concerning appearance, layout, scale and landscaping are reserved for future consideration. The application includes measures designed to mitigate visual impact - including large areas of open space within the housing development areas, appropriate landscaping, use of materials to reflect the surrounding village character, and a height limit of two-storeys for the housing. The two parcels of land to the north of Summer Lane dedicated to housing comprise low density development (28 dwellings/hectare). Whilst it is acknowledged that this density is slightly below the density requirement set out under policy GEN7 of the Local Plan, the emerging Local Plan places more emphasis on density being considered in context. The pre-submission Pagham NP is more specific, identifying this site as suitable for low density housing. Low density housing would assist in reducing the overall visual impact on the surrounding open countryside whilst ensuring the site benefits from public open space provision. The proposed density would not be out of character with the surrounding grain of development considering its edge of settlement location.

The indicative layout shows housing split between parcels of land on the east and west, each parcel including a separate vehicular access. Pedestrian links would be provided between the two sites. Initially a vehicular link was proposed between the eastern parcel of land and the land to the north east which is proposed for development by Orchard Homes. The layout includes extensive areas of open space and wildlife corridors and, subject to final detailed design; the proposals appear to represent a pleasant residential environment.

The applicant has committed to providing a scheme which complements the established character of the existing village. This would be detailed at reserved matters stage. It is considered that the design, layout and visual impact of the proposed development taken in combination with the proposed Orchard Homes development to the north east would not significantly affect the character of the landscape, or unacceptably affect the character and appearance of the area.

When considered in the round the development is considered acceptable when measured against policy GEN7 of the Local Plan and LAN DM1 of the emerging Local Plan. It is not considered that the development would result in significant and demonstrable harm to the character and appearance of the area, landscape or affect the significantly affect the character of the wider countryside.

HIGHWAYS:

A large majority of the objections raise concerns regarding proposed access and potential impacts of the development on the wider highway network.

Following concerns initially raised by WSCC highways, and in light of the objections received, the proposed works to Summer Lane have been revised. The revised scheme shows a widened carriageway (now 4.5m) in the vicinity of the eastern access and a partial narrowing of the proposed footway. Highways have considered this element of the proposal and note that Summer Lane is (and would be) relatively lightly trafficked and low speed.

A number of objections relate to potential impacts of highways alterations on the properties on the north side of Summer Lane. It is acknowledged that visibility from driveways would be worsened at most points, but visibility has been independently assessed by the road safety auditor and no objections are raised given that there are benefits associated with other works. WSCC highways have confirmed that the concerns raised regarding the levels of the proposed footway, and how this would tie in with the existing driveways on Summer Lane, could be addressed as part of a S278, and there is no reason in principle why this could not be achieved. It is acknowledged that there would be reduced visibility on the southern access point (Pagham Road/Summer Lane junction) but there would be improved visibility on the northern side.

The applicant has provided a swept path for refuse vehicles entering and exiting the housing estate. This shows that refuse vehicles would occupy Summer Lane when entering and leaving. Highways consider that this situation is not uncommon, but 'no waiting' restrictions would need to be installed to prevent obstructive parking from taking place. It is acknowledged that this is reliant on a Traffic Regulation Order (TRO), and there is no guarantee that this would succeed. It is noted that parking in the proposed TRO area is unlikely to occur as the junction of the proposed access is in close proximity of residential properties of the proposed housing estate. In the event that the TRO did fail, the width of the carriageway in the vicinity of the eastern access off Summer Lane is considered to be insufficient to accommodate on-street parking without this resulting in an obstruction to the free flow of traffic. Irrespective of whether the TRO goes ahead, any obstruction could be dealt with under the Road Traffic Act.

With regards the concerns relating to the abuse of yellow double 'no parking lines' by blue badge holders and other drivers; a TRO is proposed to control this but this is subject to a separate procedure. In the event that the TRO was successful and the waiting restrictions implemented, it would be an offence for any driver to park on double yellow lines, and blue badge holders would be restricted to a maximum of three hours. This is subject to controls outside the remit of planning.

As a general point in respect of parking, in this particular location there does not appear to be a significant level of off-street parking taking place. Existing properties tend to have off-street parking. The development proposes a new lay-by off Summer Lane (near the proposed POS) to provide a more formalised parking arrangement for users of the POS to the south. This would assist in alleviating potential issues with inconsiderate parking along Summer Lane.

Concerns have been raised regarding additional vehicles using the Summer Lane/Pagham Road junction. This is an inevitable consequence of the development. Highways have assessed the proposal in terms of trips generated and highway safety and do not consider the residual cumulative impacts to be severe, and areas of concern identified can be appropriately mitigated through the imposition of appropriate conditions.

The applicant has considered the scheme in context of the Orchards housing development to the north east and a road 'link' between the two sites was initially proposed. This does now not appear to be deliverable. The application has been re-assessed on the basis of no link being provided between the sites. Highways raise no objections. The Parish Council have been consulted acknowledging the constraint and raising no objections.

The applicant has submitted a Travel Plan which includes a number of mitigation measures designed to reduce reliance on the private car and promote sustainable modes of transport and/or

working. Highways have assessed this and raise no objections.

The impact on highway safety is considered acceptable, subject to a number of mitigation measures which can be secured by planning condition. The impact on highway safety is not considered to represent significant demonstrable harm in this case.

Highways recommend a number of planning conditions, including a requirement to secure a Traffic Regulation Order (TRO). A TRO is reliant on legislation outside the remit of planning and it is not considered that a condition to this effect could be imposed. Highways considerations on the TRO implications are set out in this report. It is recommended that the recommended planning condition be amended to require the applicant to submit a scheme of potential mitigation. In the event that the TRO fails, the scheme could consider alternative mitigation measures.

BIODIVERSITY:

The application includes an assessment identifying species and habitats of potential conservation concern. The scheme would involve the removal of some hedgerows, particularly those adjoining Summer Lane. The ecologist has assessed the proposal and raises no objection.

The proposal includes the provision of a large area of POS to the south of Summer Lane and along the north/northwest boundaries would provide opportunities for new habitats and wildlife. Habitat provision also includes:

- New ditch/watercourse incorporating water vole mitigation measures;
- A series of attenuation ponds in association with a SuDs strategy. These ponds to be utilised to provide habitats for water vole by ensuring water is retained throughout the year.
- Along field boundaries to the south of the scheme retention of rough grassland in open spaces area.
- Native wildflower mix in open spaces.
- Long-term management plan for biodiversity

In terms of potential impact on existing species, the submitted ecological assessment confirms that no bat roosts are present on site and that any subsequent landscaping details should include appropriate features to encourage bats. There are no immediate concerns with regards nesting birds, but nest features should be incorporated as enhancement. There are no immediate concerns with regards impacts on foxes and badgers and the site has been surveyed for those species. The survey did note that the site was suitable for badgers, but none were reported during the survey. It is considered that removal of dense scrub should be sensitively undertaken, and further survey badger survey work carried out. This could be conditioned.

With regards Water Vole, detailed mitigation measures are proposed, some of which are identified above, but other measures are recommendation for incorporation in a mitigation strategy, which could be conditioned.

Reptiles have been recorded within the area, including Slow Worm, Common Lizard and Grass Snake. The development would have a direct impact on these populations without mitigation. The proposed mitigation includes translocation and the provision of appropriate habitat within the site. This would be subject to a detailed mitigation strategy which could be conditioned.

PAGHAM HARBOUR SPA/RAMSAR SITE:

The development lies approximately 1km to the north east of the Pagham Harbour SPA/Ramsar Site. It is noted for its population of Little Tern, Common Tern, Dark-bellied Brent Goose.

Given the distance between the development and the SPA, the potential impacts are considered to be indirect. These impacts revolve around a potential increase in visitor numbers and potential for residents of the housing associated with the development to walk/walk dogs in the area which, in turn, could disturb the bird population of the SPA. Policy ENV DM2 of the emerging Local Plan requires developments within 5km of Pagham Harbour make a contribution towards a joint strategic scheme of avoidance and mitigation which is intended to provide mitigation such as a part-time warden, signage and interpretation, a dog project and mitigation. A contribution of £1,275 per dwelling would be required as agreed by the Council's Cabinet in July 2015.

The current application involves an area of POS with dog walking routes which may reduce the effects on the SPA. It is likely that the walking route would provide an immediate exercise area for dogs, but there is still likely to be a tendency for residents to walk greater distances and, in particular, towards the harbour and SPA area. Considering the mitigation measures proposed, the proposal is considered to comply with emerging policy ENV DM2 and the NPPF in terms of providing biodiversity mitigation and overall enhancement. The Council's ecologist, the RSPB and Natural England all raise no objections subject to planning conditions and a legal agreement.

Paragraph 119 of the NPPF identifies that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered, planned and determined. In this case, the proposed development is not considered to result in a significant adverse effect on the nearby SPA/Ramsar site either alone or in combination with other plans or projects and, as such, the tests contained within Regulation 61(1) of the Habitats Regulations would not be failed. In this case there is considered to be no need to undertake an Appropriate Assessment under the Birds or Habitats Directive.

IMPACT ON HERITAGE ASSETS:

The nearest registered heritage assets lie to the north east and east of the site within proximity of Pagham Road. These assets include Martins Cottage, Greensleeves, and Nyetimber House - all of which are Grade II listed buildings. It is not considered that the proposal would affect the setting of these assets given the distance involved and the intervening land uses.

DRAINAGE:

The site lies in Flood Zone 1 (low probability of flooding from the sea or rivers). The application is accompanied by a Flood Risk Assessment. The whole premise of the submitted drainage scheme is to provide a Sustainable Urban Drainage System (SuDs) designed to incorporate the 1 in 100 year return storm plus an extra allowance of 30% for the potential predicted increase in rainfall up to 2115. It is intended that this strategy would be implemented by:

- Permeable paving/permeable sub-base;
- Roadside swales;
- Attenuation/bio-retention basin

The indicative layout shows that final surface water runoff from the site would be strictly controlled in the form of a series of attenuation basins. In part, these would also double up as potential habitat features and therefore, be incorporated into the wider landscaping and habitat creation thus creating additional areas of beneficial green infrastructure.

It is clear from the objections that there are concerns regarding flooding and WSCC drainage consider that the site is at high risk from ground water flooding. This is confirmed by the Council's Strategic Flood Risk Assessment (SFRA) and the applicant's assessment. The NPPF states that development should be directed towards area of lower flood risk, but that all sources of flooding should be considered. The applicant has not carried out a sequential test, but it is acknowledged that the site lies in Flood Zone 1, the lowest risk from potential flooding from rivers and the sea. It is noted that this site is unallocated and, as revealed by the SFRA, a large proportion of developable land in Arun suffers from potential ground water flooding.

The risks from groundwater flooding are acknowledged and WSCC consider the site is potentially suitable for an appropriate SuDs and, subsequently, raise no objections subject to full details of drainage being provided and secured through a planning condition. The Council's drainage officer recommends the imposition of conditions relating to detailed drainage design and has commented that any soakaway or SuDs design should include adequate groundwater monitoring in order to determine the highest groundwater level during winter. If ground conditions do not allow for infiltration then restricted discharge to watercourses may be acceptable. Drainage and potential flood risk is considered acceptable in principle, subject to appropriately worded planning conditions requiring full details to be submitted. The applicant's FRA indicates that the development would reduce overall flood risk and provides appropriate adaptation and mitigation measures in compliance with policies W DM2 and W DM3 of the emerging Local Plan. The application is considered to comply with policy GEN9 of the Local Plan. The risk from flooding in this case is not considered to represent significant demonstrable harm.

RESIDENTIAL AMENITY:

Whilst concerns have been raised regarding the potential impact on residential amenity, these matters could be addressed in full at reserved matters stage as layout, scale and appearance are reserved for future consideration. The indicative layout shows that dwellings would be positioned broadly in line with spacing requirements. Notwithstanding future reserved matters, it is considered that the quantum of development, being low density, can be accommodated on site without significantly affecting the amenity of nearby residents.

Summer Lane would inevitably become more heavily trafficked and the proposal would increase the movement of vehicles on this road. This does not necessarily equate to unacceptable impacts on the amenity of properties along Summer Lane. The development is for residential purposes and apart from during the construction phase, the development would not lead to a significant increase in more noisy vehicles such as HGV's. It is recommended a condition be imposed in the event that permission is granted requiring a Construction Management Plan.

One of the new access points from Summer Lane, proposed adjacent to 'The Elms', would result in the additional movement of vehicles along the boundary of this property and garden. The provision of an access along this boundary is not considered to result in unacceptable amenity impacts. The application is considered to comply with policy GEN7 of the Local Plan in this respect.

OTHER ISSUES:

Summer Lane is also a Public Right Of Way (PROW). Whilst the footpath would not be affected by the proposal in the long term, it would be affected during the construction period. It is likely that the applicant will need to facilitate a short-term diversion which would be the subject of a separate process. Indicative plans show the footpath may need diverting to the south (on the land proposed for POS) along with suitable mitigation measures as part of a construction management plan.

There is no 'right to a view'. Any development which dominates the outlook from a property is a material consideration. These issues are partly dealt with in this report, whilst the impact of houses/buildings on the outlook of properties would be dealt with at reserved matters stage.

There are 4 trees within proximity of the site (2no Poplars, 1no Ash, 1no Oak). It is considered that the proposal is unlikely to impact on the trees and that the development can co-exist without detriment to the trees in the long term. Root protection measures are recommended and the tree officer raises no objections subject to appropriate conditions.

SUMMARY:

The application is considered to constitute a sustainable form of development and, due to the Council's outdated policies in relation to housing land supply; the presumption in favour of sustainable development applies. A range of matters have been identified as part of the determination of this application, some of which require mitigation measures which are either proposed as planning conditions, could be dealt with at reserved matters stage, or require mitigation secured by way of a legal agreement. Whilst the development lies on greenfield land and outside the settlement boundary, it is considered to comprise a relatively low-density development with significant POS provision, landscaping, green infrastructure and a considerate layout which respects the sensitive countryside location and respects the provisions set out in the Consultation Pagham NP.

In terms of identified 'harmful' elements, it is considered that there are no individual or collective issues which would significantly and demonstrably outweigh the benefits associated with the scheme which have been identified in this report, and the presumption in favour of sustainable development as identified by paragraph 14 of the NPPF. It is considered that the application should be approved subject to the conditions below and a S.106 legal agreement covering matters set out in the box below.

If the S.106 legal agreement has not been signed within 3 months of the date of the resolution to approve then the application should be refused for the following reasons:

- (1) The development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy H SP2 of the Arun Local Plan 2011-2031 (Publication Version) and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010;
- (2) The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in accordance with Policy ENV DM2 of the Arun Local Plan 2011-2031 (Publication Version);
- (3) The development makes no contribution towards public open space or children's play

equipment and is thereby contrary to the aims and objectives of Policy GEN20 and the Supplementary Planning Guidance of the Arun District Local Plan; and

(4) The development makes no contribution towards local infrastructure and is thereby contrary to the Policy GEN8 of the Arun District Local Plan and the National Planning Policy Framework.

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.

SECTION 106 DETAILS

A Section 106 Agreement is being prepared and draft Heads of Terms have been agreed in principle. The S106 Agreement will be required to include the following provisions:

AFFORDABLE HOUSING

27 units comprising 19 social rented (70%) and 8 intermediate (30%) split between:

- 7no 1 bed (social rented);
- 12no 2bed (social rented); and
- 8no 2 bed (intermediate).

PUBLIC OPEN SPACE AND ECOLOGICAL ENHANCEMENT/MITIGATION

An area of Public Open Space (POS) comprising a total area of 2.57ha including on-site play area provision. This will be subject to a management regime and a mechanism to potentially

hand over the land to the south of Summer Lane to the Parish Council.

Pagham Area of Natural Open Green Space (ANOGS) - A contribution of £114,750, equating to £1,275 per dwelling, is to be provided in order to mitigate the potential impacts on Pagham Harbour SPA. The site lies within 'Zone B' (between 400m and 5km) of the SPA. Mitigation shall include contribution to the employment of a full time warden, dog project, additional signage and interpretation material and future monitoring.

WSCC INFRASTRUCTURE CONTRIBUTIONS

Primary Education - £215,644
Secondary Education - £232,083
6th Form Education - £54,369
Libraries - £23,634
Fire and Rescue - £2,144
Fire Hydrants - on-site requirement for 3.

OTHER

Works to facilitate a link between the application site and the Orchard Homes development site on the proviso that planning permission is granted for planning application P/125/14/PL:

- (a) grant a pedestrian right of way via a footpath to the application boundary, subject to the Council procuring a Compulsory Purchase Order (CPO) for crossing the ditch;
- (b) provide a footpath between the end of the proposed road layout and the ditch, subject to the Council procuring a CPO for crossing the ditch; and
- (c) grant construction access rights for the Council to use the site access road for construction access, subject to the Council procuring a CPO for crossing the ditch.

The applicant will be required to enter into a Section 278 Agreement in respect of the identified highway improvement works. This would be under the provisions of the Highways Act (1980).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (d) Landscaping.

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

- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matters to be approved, whichever is later.

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

- 3 The development shall be carried out in full accordance with the following approved plans:

DLA.1552.L003.01 Rev D;
120843/A/11 Rev C;
120843/A/05 Rev B;
120843/SK/13 Rev A;
120843/SK/14 Rev A;
120843/AT/A01 Rev A;
120843/AT/A02 Rev A;
120843/SK/15 Rev A; and
the Ecological Assessment (April 2015).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The development hereby permitted shall be limited to no more than 90 dwellings and the reserved matters submitted pursuant to condition no1 shall generally accord with the principles shown on the drawing entitled 'Block Plan'.

Reason: In order to ensure that the development does not exceed the parameters set out in the application.

- 5 The buildings hereby approved shall not exceed two-storeys in height.

Reason: In order to ensure the development is consistent with the details applied for, and in order to ensure there is no significant impact on the character and appearance of the area, in compliance with policy GEN7 of the Arun District Local Plan.

- 6 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to Condition no1 shall include a phasing plan and schedule to show how the development of the site is to be carried out in numbered phases. The development shall be carried out in accordance with the approved schedule and phasing.

Reason: In order to ensure where development is to be carried out in phases, that the impacts can be properly controlled and monitored so as to ensure there is no significant impact on residential amenity or highway safety, in compliance with policy GEN7 of the Arun District Local Plan.

- 7 Prior to the commencement of development, details of a foul water drainage system (including details of its siting, design and subsequent management/maintenance, if appropriate) shall be submitted to the Local Planning Authority for written approval. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 8 Prior to the commencement of any site clearance or preparation works, a detailed

ecological mitigation and enhancement scheme, including timing for implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall be based on the mitigation and enhancement details set out in section 9 of the submitted Ecological Assessment dated April 2015. The scheme shall include provision for further badger survey work and sensitive hedgerow and vegetation removal. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate protection and enhancement of biodiversity interests in accordance with the provisions of the NPPF and policies GEN23 and GEN29 of the Arun District Local Plan (2003).

- 9 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of a proposed surface water drainage scheme. 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied, in each respective phase, until the complete surface water drainage system serving the dwellings in each respective phase has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 10 The development shall not proceed until written consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 11 Prior to the occupation of any dwelling hereby approved, full details of the maintenance and management of the SuDs system set out in a site-specific maintenance manual, shall be submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on-going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

- 12 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of vehicular access onto Summer Lane. The development shall be carried out in accordance with the approved details and shall be implemented prior to the occupation of any dwelling in each respective phase.

Reason: In the interests of road safety and in accordance with policy GEN7 of the Arun District Local Plan.

- 13 Visibility splays of 2.4 metres by 25 metres shall be provided at the proposed site vehicular accesses onto Summer Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed. The approved details shall be implemented prior to the occupation of any dwelling in each respective phase.

Reason: In the interests of road safety and in accordance with policy GEN7 of the Arun District Local Plan.

- 14 No part of the development in any phase shall be first occupied until a footway has been constructed along the north side of Summer Lane, the Summer Lane/Pagham Road junction has been realigned, and the other works as indicatively shown on drawing number 120843/A11 Revision C have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: In the interests of highway safety and in accordance with policy GEN7 of the Arun District Local Plan.

- 15 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of the proposed parking bay and crossing point on Summer Lane, as detailed on the submitted plan entitled 'Block Plan. The development shall thereafter be carried out in full accordance with the approved details and implemented in full before the first dwelling is occupied.

Reason: To ensure that parking provision is provided along Summer Lane and that the area of public open space is accessible to residents and the wider community in accordance with policy GEN7 of the Arun District Local Plan.

- 16 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact

of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);

- measures to control noise and vibration during construction;
- measures to control the emission of dust and dirt during construction; and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

- 17 No development shall take place within each respective phase of development until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure any archaeological interests are properly protected or documented in accordance with policy GEN7 of the Arun District Local Plan.

- 18 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include the full details, measures, monitoring and subsequent reporting, as set out in the approved Travel Plan which is included in the submitted Transport Statement. The approved measures shall be implemented in full prior to the occupation of any dwelling hereby approved.

Reason: To minimise the traffic generated by the proposal in accordance with policy GEN7 of the Arun District Local Plan.

- 19 Development shall not commence in each respective phase of development (including site clearance), until the mitigation measures detailed in the submitted Tree Survey and Arboricultural Impact Assessment have been implemented in full. The mitigation measures shall be retained in full during the construction phase of each respective phase of development.

Reason: In order to protect existing trees within close proximity of the site during the construction phase and in accordance with GEN7 of the Arun District Local Plan.

- 20 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of the local area and in accordance with policy GEN7 of the Arun District Local Plan.

- 21 No development shall take place until details of laying out, timetable for provision and maintenance of the area shown on the approved plans for Public Open Space have been submitted to and approved in writing by the Local Planning Authority. The layout details submitted under planning condition 1 (layout) shall define the boundaries of the Public Open Space areas, their intended use, any items of equipment, means of enclosure and all other structures to be installed. The scheme shall also include details of dedicated dog walking routes and 'off lead' dog walking areas. The development shall be carried

out in accordance with the approved details.

Reason: To ensure that the proposed Public Open Space is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan and in order to mitigate against potential impacts on Pagham Harbour SPA in accordance with the NPPF.

- 22 Prior to the occupation of any of the dwellings hereby approved, a strategy for the provision of the highest available headline speed of broadband provision for 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 delivery of 'superfast broadband' (defined as having a headline access speed in excess of 24Mb or more). 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 new 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: In order to comply with the requirement of TEL SP1 of the draft Publication Version of the Arun Local Plan and paragraph 42 of the NPPF.

- 23 Prior to the commencement of any phase of the approved development, a scheme detailing the physical works and a timetable to provide a minimum of at least 10% of the total energy demand from the development comprising renewable or low carbon energy generation on site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation of each respective phase, and retained so in perpetuity.

Reason: In order to achieve high levels of energy efficiency in accordance with the requirement of the NPPF and emerging policy ECC SP2 of the Publication Version of the Core Strategy.

- 24 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a scheme of mitigation in order to restrict the potential for vehicle parking in the vicinity of the proposed eastern access onto Summer Lane. Such approved measures shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and the free flow of traffic.

- 25 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of the proposed car parking spaces associated with each dwelling. Such approved spaces shall thereafter be retained at all times for their designated use.

Reason: In the interests of highway safety and the free flow of traffic.

- 26 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning

Authority for approval pursuant to Condition no1 shall include a schedule of materials and finishes to be used in the external walls and roofs of the buildings. A 'statement of detail' shall be submitted setting out details of the proposed windows and doors, details of depths of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of detail' as approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

27 INFORMATIVE: Condition 24 - The requirement under condition 24 is for the developer to submit mitigation details to be considered in the event that a Traffic Regulation Order is not successfully implemented.

28 INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, 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 (01243 642105) in order to commence this process.

29 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

30 INFORMATIVE: The implication of effective ground protection must be achieved before any construction works commences to protect the given RPA. Again the local planning authority arboricultural officer must check this protection before the construction works commences.

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 30% 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 groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's engineers.

31 INFORMATIVE: The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove,

Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- 32 INFORMATIVE: The development layout should not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site has been submitted to the Council. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent the site in order to ensure the responsibilities as required under the Land Drainage Act 1991, and amended by the Flood Water Management Act 2010, can be fulfilled.
- 33 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement which includes the following provisions:

AFFORDABLE HOUSING

27 units comprising 19 social rented (70%) and 8 intermediate (30%) split between:

- 7no 1 bed (social rented);
- 12no 2bed (social rented); and
- 8no 2 bed (intermediate).

PUBLIC OPEN SPACE AND ECOLOGICAL ENHANCEMENT/MITIGATION

An area of Public Open Space (POS) comprising a total area of 2.57ha including on-site play area provision. This will be subject to a management regime and a mechanism to potentially hand over the land to the south of Summer Lane to the Parish Council.

Pagham Area of Natural Open Green Space (ANOGS) - A contribution of £114,750, equating to £1,275 per dwelling, is to be provided in order to mitigate the potential impacts on Pagham Harbour SPA. The site lies within 'Zone B' (between 400m and 5km) of the SPA. Mitigation shall include contribution to the employment of a full time warden, dog project, additional signage and interpretation material and future monitoring.

WSSC INFRASTRUCTURE CONTRIBUTIONS

Primary Education - £215,644;
Secondary Education - £232,083;
6th Form Education - £54,369;
Libraries - £23,634;
Fire and Rescue - £2,144; and
Fire Hydrants - on-site requirement for 3.

OTHER

Works to facilitate a link between the application site and the Orchard Homes development site on the proviso that planning permission is granted for planning application P/125/14/PL:

- (a) grant a pedestrian right of way via a footpath to the application boundary, subject to the Council procuring a Compulsory Purchase Order (CPO) for crossing the ditch;
- (b) provide a footpath between the end of the proposed road layout and the ditch, subject

to the Council procuring a CPO for crossing the ditch; and
(c) grant construction access rights for the Council to use the site access road for construction access, subject to the Council procuring a CPO for crossing the ditch.

- 34 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.