

Committee Manager : Carrie O'Connor (Ext: 37614)

2 November 2017

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 15 November 2017 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Dillon, Gammon, Mrs Hall, Haymes, Maconachie, Mrs Oakley, Miss Rhodes, Mrs Stainton and Wells [+ 1 Conservative vacancy]

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 18 October 2017 (attached).

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

6. TREE APPLICATIONS

There are no applications to consider

7. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **ALPHABETICAL** order.

8. *PLANNING APPEALS

To consider the attached report.

9. UPDATED GUIDANCE ON DEALING WITH NON-MATERIAL AMENDMENTS

To consider attached report.

Background Papers

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers : Neil Crowther (Ext 37839)
Daniel Vick (Ext 37771)

Juan Baeza (Ext 37765)
Claire Potts (Ext 37698)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

18 October 2017 at 2.30 p.m.

Present: Councillors Bower (Chairman), Mrs Hall (Acting Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Charles (substituting for Councillor Hitchins), Dillon, Gammon, Haymes, Maconachie, Mrs Oakley, Miss Rhodes, Mrs Stainton and Wells.

Councillors Mrs Pendleton and Mrs Rapnik were also in attendance at the meeting.

236. WITHDRAWN APPLICATION

The Chairman advised that Planning Application EP/69/17/PL had been deferred and would not be considered at this meeting.

237. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Hitchins.

238. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

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Councillor Bower declared a personal interest in Planning Application LU/234/16/RES as Chairman of the North Littlehampton Steering Group, where the matter had been discussed on several occasions. He reserved his position.

Councillor Mrs Bower declared a personal interest in Planning Application LU/231/17/PL as she knew the resident of The Bungalow.

239. MINUTES

The Minutes of the meeting held on 20 September 2017 were approved by the Committee and signed by the Chairman as a correct record.

240. PLANNING APPLICATIONS

WA/57/17/PL - Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extension (resubmission following WA/25/16/PL), 1 & 2 Stafford Cottages, Yapton Lane, Walberton Having received a report on the matter, and following some discussion, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/197/17/PL – Change of use of existing leisure use of upper ground floor to form 3 No. flats, extension of first floor to form 2 No. flats & creation of 1 No. flat in roof space (resubmission following LU/395/14/PL & LU/84/16/PL), 90 & 91 South Terrace, Littlehampton Having received a report on the matter, together with the officer's written report update detailing an additional representation received regarding bin storage and parking, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of this application, Councillor Mrs Bower had declared a personal interest and remained in the meeting and took part in the debate and vote.)

LU/231/17/PL – Change of use of land to the storage of caravans/motor homes; creation of associated hardstanding by the importation of material; siting of 4 No. self-storage containers & use of part of site for storage of scaffolding materials, Castlevue Nursery, Old Mead Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing receipt of new layout and landscaping plan; addition of location plan to condition 2;

and corrections to the report relating to number of units and the west boundary plan, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

(Prior to consideration of this application, Councillor Bower had declared a personal interest and remained in the meeting and took part in the debate and vote.)

LU/234/16/RES – Application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11. This application affects a Public Right of Way, Fitzalan Link Road, Littlehampton Having received a report on the matter, the Committee supported the proposal and, following comment that this was long overdue,

RESOLVED

That the application be approved as detailed in the report.

EP/69/17/PL – Construction of 1 No. dwelling (C3) to rear of existing property, 60 Vermont Drive, East Preston Having received a report on the matter, the Committee had been advised that this application had been deferred.

A/114/17/PL – To widen a section of Hangleton Lane adjacent to the vehicle storage compound to ease access onto the site for transporter vehicles. This application is also within the parish of Ferring, Highway outside Hangleton Nursery, Hangleton Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/138/17/PL – Demolition of existing dwelling & outbuildings & erection of 5 No. dwellings. This application affects the setting of listed buildings, 90 Rose Green Road, Aldwick Having received a report on the matter, together with the officer's written report update detailing representation from the Council's Tree Officer and resultant additional new conditions 4 and 5, deletion of conditions 8 and 22 and subject to a Section 106 Agreement, the Committee

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RESOLVED

That the application be approved as detailed in the report and officer report update.

241. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received.

242. REVIEW OF THE TERMS OF REFERENCE FOR DEVELOPMENT CONTROL COMMITTEE

As the Council's Constitution was undergoing a major review, led by the Constitution Working Party, Members received a report from the Group Head of Planning which detailed re-drafted Terms of Reference for the Committee as the section currently under review was Part 3, Responsibility for Functions, which set out the Terms of Reference for Committees, Subcommittees and Panels. He advised that the functions of the Committee would not be affected and that the exercise was aimed at simplifying the existing arrangements based on best practice used elsewhere.

Following consideration, the Committee

RECOMMEND TO FULL COUNCIL – That

(1) the revised Terms of Reference for the Development Control Committee, as set out in Appendix 1 to the report, be approved and updated in Part 3, Responsibility for Functions in the Constitution; and

(2) the Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

243. DEVELOPMENT CONTROL COMMITTEE – SCHEME OF DELEGATION

(With the agreement of the Committee, Councillor Mrs Pendleton participated in the debate on this item.)

The current Scheme of Delegation for the determination of planning applications was agreed by this Committee in June 2016 in order to significantly reduce the number of applications it had to consider whereby only minor and major applications, where there was an objection from the Town/Parish Council, would be

presented to the Development Control Committee, with 100% of householder and other applications being delegated to officers.

Following a review, the Group Head of Planning presented this report which primarily addressed concerns that had been raised by a small number of Members and some Parish Councils with regard to householder applications being determined under delegated powers. He was proposing that a Ward Member 'referral' process could be introduced that would pick up those householder applications that generated a disproportionate number of representations relative to the scale of the proposals. For clarity, he suggested that, under the recommendation, the wording of iv be amended to read:-

"Any Householder application where the Ward Member has submitted a written request to the Chairman and/or Vice-Chairman for a 'referral', and that has been agreed by the Chairman and/or Vice-Chairman. Any written request must be submitted prior to the expiration of the statutory consultation period and must set out the reason for the 'referral' against the criteria that there are sound planning reasons why an officer level decision is insufficient."

An officer report update was circulated at the meeting which detailed additional comments received from Parish Councils since the agenda had been published.

The Head of Group Planning also proposed that under recommendation ii the wording be amended to include reference to the discharge of conditions or non-material amendments as those could potentially be very time consuming, especially on large schemes such as Littlehampton Leisure Centre.

Members then participated in a full discussion on the matter. Concerns were raised with regard to the Chairman and Vice-Chairman having the responsibility to agree the 'referral' from a Ward Member, together with concerns that Ward Members needed to be issued with guidance to inform them sufficiently when making such a referral. Some views were expressed that that responsibility would be too onerous, particularly for those Ward Members who had no experience of planning. However, comment was also made that, providing a planning guide was issued to all Members to inform on planning reasons for refusal of applications and a reminder given to refer to the Planning Code of Conduct, which gave clear guidance as to their role when working on an application, this was a good way forward and the proposal should be supported.

In considering the amended wording for (iv) it was suggested and agreed that it should be the Chairman **and** Vice-Chairman. It was also suggested that, In the event of the absence of the Chairman or Vice-Chairman, the Cabinet Member for Planning could be called upon to substitute.

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The Chairman pointed out that, under (iii) reference had been omitted to the A280 and that should also be included.

The Committee then

RECOMMEND TO FULL COUNCIL

That Part 4 of the Constitution be amended as follows:-

3.1.2 Where the following exceptions apply, the application or matter will be determined by the Development Control Committee:

- i. Any Major or Minor application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of officers
- ii Any planning application for Full or Outline planning permission by or on behalf of the Council
- iii. Any Major or Minor application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284, A259 and A280
- iv. Any Householder application where the Ward Member has submitted a written request to the Chairman and Vice-Chairman for a 'referral', and that has been agreed by the Chairman and Vice-Chairman. Any written request must be submitted prior to the expiration of the statutory consultation period and must set out the reason for the 'referral' against the criteria that there are sound planning reasons why an officer level decision is insufficient.

(The meeting concluded at 4.00 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

15th November 2017

PLANNING APPLICATIONS

LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION

AT THE DEVELOPMENT CONTROL COMMITTEE

NONE FOR THIS COMMITTEE

LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE

AT THE DEVELOPMENT CONTROL COMMITTEE

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/132/17/OUT	Outline application with some matters reserved for the demolition of the existing single dwelling & construction of 30 No. dwellings (resubmission following A/39/17/OUT). This application is a Departure from the Development Plan.	Quiet Waters Roundstone Lane Angmering BN16 4AX
Case Officer:	Michael Eastham	
Recommendation:	App Cond sub to S106	

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/169/17/OUT	Outline application with all matters reserved for demolition of existing buildings on site & erection of a mixed use development comprising up to 90 No. residential units, a care home (Use Class C2 & C3) & ancillary facilities including railway crossing, together with associated access, car parking & landscaping (resubmission following A/44/17/OUT). This application is a Departure from the Development Plan & lies within the parishes of Littlehampton & Rustington.	Land west of Brook Lane & South of A259 Angmering
Case Officer:	Mr D Easton	
Recommendation:	App Cond sub to S106	

EAST PRESTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
EP/69/17/PL	Construction of 1 No. dwelling (C3) to rear of existing property.	60 Vermont Drive East Preston BN16 1LG
Case Officer:	Mr D Easton	
Recommendation:	Approve Conditionally	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/182/15/PL	Variation of conditions 4, 6, 7, 8, 39 & 42 imposed under planning reference LU/47/11/ relating to list of plans,	Land North of Toddington Lane

illustrative masterplan, CHP plant building, Design Statement, bus stops & traffic improvements. Littlehampton BN17 7PP

Case Officer: Claire Potts
Recommendation: App Cond with S106

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>LU/249/17/PL</u>	Demolition of the existing bungalow & redevelopment of the site with 5 No. detached houses. This application is a Departure from the Development Plan	Directors Cottage Toddington Lane Littlehampton BN17 7PP

Case Officer: Mrs A Gardner
Recommendation: Approve Conditonally

PLANNING APPLICATION REPORT

REF NO: A/132/17/OUT

LOCATION: Quiet Waters
Roundstone Lane
Angmering
BN16 4AX

PROPOSAL: Outline application with some matters reserved for the demolition of the existing single dwelling & construction of 30 No. dwellings (resubmission following A/39/17/OUT). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

This outline planning application (A/132/17/OUT) for the erection of 30 dwellings is a re-submission following the withdrawal of outline planning application A/39/17/OUT for the development of 32 dwellings on the site, following the demolition of the existing large detached house known as "Quiet Waters". The existing detached house is set within a large garden, located east of Roundstone Lane, in Angmering.

Appearance, layout, scale and landscaping are reserved for future approval.

The applicant has submitted a Proposed Site Plan, a Block Plan and a Layout Plan which demonstrating how the site could accommodate 30 dwellings (30% of which would be affordable i.e. 10 dwellings); and open space including a Local Area for Play (LAP).

The accommodation schedule comprises:

3 x 1 bed flats
5 x 2 bed flats
3 x 2 bed houses
10 x 3 bed houses
9 x 4 bed houses

The access detail is not to be reserved. The proposed single vehicular access to the site is directly off Roundstone Lane, using the existing access for the single dwelling ("Quiet Waters") that currently occupies the site. The applicant is proposing to improve the access by the inclusion of 1.8 metre wide footways on both sides leading into the site, with dropped

	kerbs and tactile paving. The applicant is also proposing a bus stop on either side of Roundstone Lane.
SITE AREA	0.773 ha
RESIDENTIAL DEVELOPMENT DENSITY	37.1 dwellings per hectare
TOPOGRAPHY	Predominantly flat, with raised banks around the edges of the site.
TREES	There are several mature trees along the site frontage and along the boundaries of the site, three of which have recently been the subject of a Tree Preservation Order (TPO/A/1/17 2017).
BOUNDARY TREATMENT	The site is bounded by trees and hedges.
SITE CHARACTERISTICS	The application site comprises a former agricultural workers detached 5 bedroom dwelling, with gardens to the front, rear and sides. The detached house is not visible from the road.
CHARACTER OF LOCALITY	The application site is located on the eastern side of Angmering Village, to the east of Roundstone Lane and to the north of the A259. The site is located outside the built-up area boundary (BUAB) but the area is being transformed by new housing on the former West End Nursery site which lies immediately north of the application site which is currently being re-developed for 246 dwellings. To the north of West End Nursery there are a further three residential development sites (the Rugby Club, DW Land and Manor Nursery), which run as far as the High Street. To the east of the application site is Haskins Garden Centre which contains a range of retail uses occupying large buildings, with associated car parks and storage areas. To the west of Roundstone Lane is Roundstone Van Centre and a second hand car dealership. To the south of the application site is an area of scrubland which is surrounded by metal fencing and beyond by a storage area for Haskins Garden Centre. The adjoining site is currently being redeveloped as an AUDI car showroom.

RELEVANT SITE HISTORY

A/39/17/OUT	Outline planning application with all matters reserved except access for 32No. residential units to be built with associated gardens, parking spaces & access road	Withdrawn 20-04-17
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Outline planning application A/39/17/OUT for 32 dwellings was withdrawn due to ecological issues, as there was a need for further bat and reptile surveys to be undertaken at the site. During the course of the outline planning application, a neighbouring site was found to have a hazardous licence to store LPG (i.e. combustible materials). On further investigations it is understood that the new owners of the site no longer require the storage of Liquid Petroleum Gas (LPG) on the site and the revocation of the licence has taken place. Consequently, the Health and Safety Executive (HSE) has withdrawn its objection.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council objects as the land upon which this development is proposed is outside of the built-up area boundary (BUAB) as defined within the Angmering Neighbourhood Plan. However, the Parish Council is fully in support of small developments such as the Quiet Waters proposal, and there is broad agreement that this is a good scheme. The Parish Housing Transport and Planning Committee expressed concerns about the overall level of parking facility on the proposal, acknowledging that it met the minimum standards, but the belief was that it would result in unacceptable roadside parking on Roundstone Lane.

Three letters of representation have been received from residents objecting to the proposed development on the following grounds:

- The application site is not identified for development in the Angmering Neighbourhood Plan.
- This speculative planning application should be refused.
- The application is premature and should not come forward for approval before the independent Examination of the emerging Arun Local Plan.
- Angmering has already experienced development far in excess of other villages in Arun District.
- There are additional brownfield sites in Angmering for local needs as agreed in the Local Plan.
- The site is located in the countryside, outside the built-up area boundary (BUAB).
- No further greenfield development should be considered until the infrastructure agreed as part of the Roundstone Lane development is delivered.
- The proposed development places further pressure on Roundstone Lane, that is considered so dangerous that a 20mph limit is being introduced on it.
- The nearby CALA Homes site has not been completed and fully sold. There is still land with planning permission which has not been sold further along Roundstone Lane; all of which illustrates a lack of need for the proposed development.
- The proposed development will have an adverse impact on the existing doctors surgery which is nearing capacity.
- It is sad that such a beautiful house and gardens, an oasis for rare wildlife including newts and toads, needs to be destroyed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the Conclusions section of this report.

CONSULTATIONS

Health & Safety Executive

Arboriculturist

Environmental Health

Ecology Advisor

Engineers (Drainage)

Engineering Services Manager

Sussex Police-Community Safety

Planning and Housing Strategy
NHS Coastal West Sussex CCG
Parks and Landscapes
Surface Water Drainage Team
WSCC Strategic Planning
Highways England

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection. This is on the basis that Highways England notes that the proposed development is a re-submission following planning application A/39/17/OUT, and is now proposing to deliver 30 new dwellings compared to 32 in the previous application. As such, Highways England's previous response is still relevant - i.e. the proposed site access is reasonably remote from the A27 Trunk Road. The proposed site is adjacent to the former West End Nursery site which has committed housing development; and whilst adding to the cumulative effects of the development, these are considered to be sufficiently small as to make little or no difference to previously agreed mitigations. Accordingly, Highways England are content that the proposals are likely to have no detrimental impact on the safe and efficient operation of the A27 Trunk Road.

LOCAL HIGHWAY AUTHORITY:

No objection is raised to outline planning application (A/132/17/OUT) subject to conditions regarding access and visibility splays; and a Section 106 Agreement including the provision of northbound and southbound bus stops on Roundstone Lane and supporting pedestrian infrastructure which comprises footways along the site frontage with pedestrian crossing points, tactile paving and dropped kerbs, as shown in the Proposed Access Provisions plan Ref: 101 Rev B. This outline planning application (A/132/17/OUT) is a resubmission following application A/39/17/OUT. Comments previously offered on planning application A/39/17/OUT recommended modification, more information and raised an objection to the application on the following grounds respectively:

- Traffic calming at the site access to be set back within the site for safety reasons
 - Consultation with bus operators regarding the proposed introduction of bus stop facilities
 - A Road Safety Audit: Stage 1 had not been undertaken, contrary to the WSCC Road Safety Audit policy
- These matters have now been addressed satisfactorily by the current outline planning application (A/132/17/OUT).

HEALTH & SAFETY EXECUTIVE (HSE):

The proposed development does not intersect a pipeline or hazard zone. HSE Planning Advice does not have an interest in the development.

ARUN DISTRICT COUNCIL (ADC) HOUSING:

No objection raised in principle. The Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where more than 15 units are proposed such as on this site. The applicant is proposing to provide 10 affordable homes (30%) which would meet the requirements of the Affordable Housing policy. The Council would suggest a tenure split of (5) Affordable Rent and (5) Intermediate Housing on the site. As at July 2017 there were 1,228 households in housing need on the Council's housing register. The affordable housing should be provided in clusters across the whole development and be indistinguishable from the market housing. The Council would request that the applicant engages with one of ADCs preferred registered partners (RPs) or an approved non-registered partner for the acquisition of the affordable housing. All of the necessary affordable housing

requirements would need to be included in a Section 106 Agreement.

WSCC - FLOOD RISK MANAGEMENT:

No objection raised, subject to the imposition of conditions. The majority of the application site is at low risk from surface water flooding although there is a small area of higher risk on the eastern side of the site; there is also higher risk associated with the carriageway adjacent to the site. The surface water management strategy should consider this risk and any suitable mitigation measures if appropriate. The application site is shown to be at low risk from groundwater flooding based on the current mapping. The potential for groundwater contamination within source protection area has not been considered by the Lead Local Flood Authority (LLFA). The LLFA does not have any records of historic flooding within the confines of the application site. The Flood Risk Assessment proposes that infiltration via permeable paving and soakaways would be used as the primary method to restrict the run-off from the development to existing greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF, NPPG and associated guidance documents.

ADC DRAINAGE:

No objection raised, but requested the imposition of conditions. Infiltration must be investigated further for surface water disposal on the application site. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. Supplementary guidance notes are available from the LPA for information.

ADC ENVIRONMENTAL HEALTH

No objection raised, but requested the imposition of conditions regarding the submission of a Construction Management Plan, an Acoustic (Noise) Report, Lighting details, the provision of electrical vehicle charging points, controlling the hours of operation and conditions for development on land affected by contamination, unsuspected contamination and a verification report demonstrating completion of the works set out in an approved remediation strategy.

ECOLOGY:

No objection raised, but requested the imposition of conditions. A condition should be imposed to ensure the hedgerows and trees are retained and any gaps should be filled in using native hedge species to improve connectivity. The lighting scheme for the site will need to consider the presence of bats and should avoid unnecessary artificial light spill through the use of directional light sources and shielding. Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March and 1st October. If works are required within this time, an ecologist will need to check the site before any works take place. A package of enhancements is required for the site - by means of condition - including any trees removed should be replaced at a ratio of 2:1; a wildflower meadow should be planted; gaps in tree lines or hedgerows to be filled in with native species; bat and bird boxes installed on the site; and grassland areas managed to benefit reptiles.

ADC ARBORICULTURE:

The Council's Arboricultural Officer initially raised an objection to the proposed development due to the low levels of tree retention and high levels of tree root disturbance. The indicative layout plan, as initially submitted, did not comply with BS5837 as it did not seek to retain the best trees and ensure that those that are to be retained were afforded appropriate levels of protection. Following the submission of an amended layout plan, the Arboricultural Officer is satisfied that this development would work at the reserved matters stage. With the exception of the pressure on tree T53 and the clarification on the soakaway locations along the southern boundary and what happens to the banking to accommodate this at the reserved matters stage, the Arboricultural Officer accepted the indicative layout, as amended and raised no objection to the outline planning application.

ADC GREENSPACE:

No objection raised, but requested the imposition of conditions. The number of proposed houses on the site being 30 would trigger the need for on-site local area play (LAP), and an off-site Multi Use Games Area (MUGA) contribution of £6,000 for the facility at Palmer Road Recreation Ground, Angmering. This represents an upgrade to an existing local MUGA rather than a contribution for a new off-site facility. The minimum quantity of public open space required would be 2,304m² for the development of 30 dwellings. There is a deficiency on the open space required. The figures in the Supplementary Planning Guidance (SPG) have since been superseded by the new Fields in Trust guidelines and are what ADC Greenspace is now seeking in the provision of public open space. If the previous figures have been deemed acceptable to date on this particular site, then ADC Greenspace would be happy to agree to the lesser quantity of open space. However this would be based on the open space being usable and of appropriate quality. The current proposed quantity of usable open space is well below what is considered sufficient against the SPG calculations. A high proportion of the open space identified on the Proposed Block Plan is tucked into corners, behind or alongside properties which will be difficult to manage. Public open space needs to be provided in a usable form, usually large blocks, to ensure the inclusion of high quality greenspace which is accessible and can be used effectively at the reserved matters stage. The landscape buffer zones provide boundary screening from adjacent properties but in the proposed layout they do not constitute usable open space, particularly given the sloping nature of some parts of the site. Revising the layout of the development at reserved matters stage would ensure there is sufficient space to accommodate retained trees and also new trees to mitigate for those removed. A full detailed planting plan landscape scheme with a detailed planting plan will be required at the reserved matters stage.

WSSC INFRASTRUCTURE:

WSSC is requesting developer contributions towards:

* Education: No spare primary / secondary / further secondary schools in catchment areas have spare capacity to accommodate the children generated. Formula based contribution into S106 Agreement so that the education contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on additional facilities at St Margaret's C of E Primary School, Angmering; additional facilities at the Angmering School; and additional facilities at the Angmering School Sixth Form.

* Library: Formula based contribution into S106 Agreement so that the library contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on flexible shelving to enable increased community use at Angmering Library.

* Fire and Rescue: Formula based contribution into S106 Agreement so that the Fire Service contribution may be calculated at a later date. The Fire and Rescue Service Contribution should be spent on the provision of smoke alarms for vulnerable persons in Angmering.

SUSSEX POLICE:

No objection raised.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and conditions requested are as per recommended.

POLICY CONTEXT

Designation applicable to site:

Outside the Built up Area Boundary (the BUAB)

Within a Local Gap

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA11 Local Gaps

DEV17	Affordable Housing
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN33	Light Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC DM1	Renewable Energy
ECC SP1	Adapting to Climate Change
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H SP2	Affordable Housing
INF SP1	Infrastructure provision and implementation
OSR DM1	Open Space, Sport & Recreation
QE DM1	Noise Pollution
QE DM3	Air Pollution
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
SKILLS SP1	Employment and Skills
SO DM1	Soils
T DM1	Sustainable Travel and Public Rights of Way
TELS P1	Strategic delivery of telecoms infrastructure
T SP1	Transport and Development
W DM2	Flood Risk

W DM3 Sustainable Urban Drainage Systems

[Angmering Neighbourhood Plan 2014 POLICY EH3](#) Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY HD9 Phasing of Residential Development

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area 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 (Regulation 14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the Ministerial Statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 (Regulation 14).

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 proposed development is located outside the built up area boundary (BUAB) of Angmering and is therefore considered to be contrary to the relevant Development Plan policies. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out-of-date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These include the National Planning Policy Framework (NPPF) and associated Guidance, the lack of a 5 year housing land supply provision for Arun, the Written Ministerial Statement on Neighbourhood Plans (December 2016), and the Secretary of State's decision on the Call-in Inquiry for the Fontwell planning application.

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Angmering Neighbourhood Plan (2014-2029).

Arun District Local Plan 2003 (ADLP):

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan. Outside the BUAB development will not be permitted unless it is consistent with other ADLP policies. ADLP Policy GEN3 - Protection of the Countryside states that except for several categories of

development, none of which relate to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside for policy purposes and the scheme would conflict with ADLP Policies GEN 2 and GEN 3. The application site is also located within a Local Gap as identified in AREA 11 where development proposals will only be permitted if it complies with development plan policy elsewhere, does not lead to coalescence between settlements and attention is given to long term enhancement of the landscape. All three criteria need to be complied with. In this case, the proposal is not in accordance with policy elsewhere in the Local Plan and so it is in conflict with AREA 11.

Angmering Neighbourhood Plan:

The Angmering Neighbourhood Plan (ANP) was made (adopted) on 11th March 2015 on the basis of the saved policies in the ADLP and the draft policies in the emerging ADLP (2014). The site is located outside the built-up area boundary for Angmering and is therefore contrary to Policy HD1 (Built-up Area Boundary) of the ANP. The application site is therefore classed as countryside by the ANP. The scheme conflicts with the ANP and fails to protect the countryside in accordance with those policies.

Notwithstanding this, the ANP allocates the site for commercial uses (Figure 3.7 on pages 20 and 21 of the ANP). However the application site is not an existing employment use. As domestic curtilage, the application site is not a commercial enterprise and this would require a change of use. However, the commercial allocation in the ANP makes it clear that some form of development is considered appropriate on the site.

Emerging Development Plans:

This includes the emerging Arun District Local Plan 2011-2031 Publication Version October 2014 (eADLP) as modified in March 2017 ('the modified eADLP').

The eADLP was submitted for examination in January 2015. Following a material increase in the Objectively Assessed Need (OAN) for housing the eADLP examination was temporarily suspended until September 2017 to allow ADC to review potential locations for housing development. The proposed Modifications were approved by Full Council and consultation took place between 10 April - 30 May 2017. The examination resumed on Monday 18th September 2017 and the Council is currently awaiting the Inspector's report .

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031.

Policy SD SP2 - Built Up Area Boundary (BUAB) states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies.

The application site - comprising land at Quiet Waters, Roundstone Lane, Angmering - is not identified as a Strategic Site in the modified eALP and should be considered as a windfall site; even though the land immediately north of the site has been allocated for housing (i.e. the West End Nursery site) and development has commenced.

Planning Balance:

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the Objectively Assessed Need (OAN) to 919 dwellings per annum (dpa) and the current housing land supply figure for Arun District is around 2.09 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites. In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

Housing and Economic Land Availability Assessment (HELAA) - 2017:

The HELAA (2017) assesses the application site as deliverable within 5 years. According to the Arun Local Plan Viability Study 2016, the site is considered to be viable and achievable.

Absence of a 5 year housing land supply:

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply it is considered that only limited weight should be given to the conflict with out-of-date ADLP Policies GEN 2 and GEN 3. Policy GEN 2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011). Therefore, this supports the position that the policies are out-of-date and have reduced weight and in this instance have limited weight.

The Publication Version of the eADLP (2015) (on which the ANP was based) was prepared to address the OAN at the time and has been subject to major change to meet the requirements of the significantly increased OAN and therefore should be given very limited, if any, weight. The ANP was produced based on the Publication Version of the eALP (2015) which did not include Angmering as a parish which was expected to provide for a minimum allocation of housing. The ANP allocates three sites for housing land in its plan (Policy HD2 - Parish Housing Allocation). Therefore, only limited weight can be given to the conflict with the ANP to protect the countryside, as the context within which the ANP was prepared has significantly changed.

The Inspector at the Burndell Road Appeal commented that when considering paragraph 198 of the NPPF: "Where a planning application conflicts with a neighbourhood plan that has been brought into being, planning permission should not normally be granted". However, in the case of Arun District Council, which has a severe housing land supply shortfall of approximately 2.09 years, the District is not considered "normal" and planning permission should be granted for the housing to assist it in meeting its 5 year housing supply.

Prematurity:

The National Planning Practice Guidance (NPPG) gives advice on assessing prematurity, which indicates that: "arguments that an application is premature are unlikely to justify a refusal of planning permissions other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both: (a) the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging local Plan or Neighbourhood Planning; (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area".

Based on an OAN on 919 dpa, the Local Planning Authority (LPA) has a housing requirement over the plan period of some 18,000 units. The 30 units on land currently occupied by a single dwelling house known as "Quiet Waters" would amount to less than 0.5% of the plan period requirement. In terms of what the Local Plan requires to be provided and what this site could provide, the application is negligible in terms of the threshold of being significant or would result in closing off other options in terms of a spatial strategy pursued when the revised eADLP is re-examined and adopted. The modified eADLP (2017) is currently being examined - and awaits adoption and therefore limited weight can be attached to the modified eADLP.

In relation to the issue of prematurity, the Secretary of State's decision at Fontwell (for up to 400 dwellings) concluded that little weight should be given to the potential for the application to undermine the plan making process due to the size of the site in relation to the housing requirement and that it would not close-off other options in terms of the spatial strategy in the modified eADLP. Whilst the modifications have now been published and the modified eADLP has progressed closer to adoption, it is considered that little weight should be given to the potential for this application to undermine the plan making process.

Presumption in favour of sustainable development:

Regard should also be had to the policies contained in the National Planning Policy Framework (March 2012) (NPPF) which are a material consideration. In the event of conflicts between policies in these plans or with Government policy, it is the most recent policy which takes precedence. With this in mind the NPPF, which was issued in 2012, is materially relevant and should be afforded significant weight.

As set out above, the policies in the development plan are out-of-date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development.

The application site on Roundstone Lane is surrounded on all sides by development and is therefore no longer a countryside location. The site is in a sustainable location which is suitable for housing; and it is considered that the principle of development on this site is acceptable.

In terms of sustainability of the site, the following facilities are available in the local area within walking distance (1000 metres) of the application site:

Angmering High Street and village centre, comprising:

- local shops
- newsagents
- medical facilities
- hairdressers

- takeaways
- community facilities
- primary and secondary schools

The local bus service provides good accessibility to wider destinations, including Littlehampton, Worthing and Shoreham-by-Sea. Angmering Railway Station, which is located approximately 1km south west of the application site, provides access to further destinations including Brighton, Portsmouth, London and Southampton, providing opportunities for non-car travel for journeys further afield.

The environmental aspects of sustainable development are considered in detail in the report below.

Conclusion on matters of principle:

Overall, the principle of development on this site is contrary to the development plan, however, as the Arun District Local Plan policies GEN2 and GEN3 and policy HD1 of the ANP to protect countryside are out-of-date, in accordance with paragraph 49 of the NPPF then they carry reduced weight. The material considerations set out above, including the lack of a 5 year housing land supply and the proposed allocation of the site to contribute to supply, are considered to weigh in favour of granting permission. The sustainability of the site is considered to accord with paragraph 14 of the NPPF. Therefore, it is considered that significant weight in the planning balance should be given to the contribution to housing and affordable housing in the district, boosting the sustainability of Angmering even further, giving the community an enhanced MUGA at Palmer Road Recreation Ground, the provision of 10 affordable homes on-site and two bus stops on Roundstone Lane - through developer contributions.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding, agricultural land, the visual and neighbour amenity impact, the natural environment, traffic congestion, noise and designated heritage assets. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 Agreement or because the public benefit outweighs the harm in respect of the issue at hand.

OTHER MATTERS

Design and Access Statement:

A Design and Access Statement (DAS) has been submitted with the outline planning application. The DAS includes principles of development and it demonstrates how the design for the site evolved. The DAS addresses the following issues, which would be a matter for the detailed Reserved Matters stage, but provides an indication of the ability to deliver an acceptable scheme and whether or not there are objections sufficiently significant to override the factors that weigh in favour of granting planning permission.

Scale:

The proposals include four typical house types and a three storey apartment building. The buildings will be two storey and 2.5 storey within the street scene, with a 3 storey apartment building to the rear of the site.

Appearance:

The site is located on the village edge, on Roundstone Lane, which is characterised generally by substantial detached properties with spacious plots. The proposed houses are of a traditional

appearance, standard two storey and two and a half storey construction with gabled and hipped pitched roofs, with tile hung, facing brickwork, painted render elevations in various colours as well as the use of flint panels and brick corbelling. The appearance of the proposed development will be in keeping with the surrounding area. Allowance will be made for the inclusion of the three storey apartment building sited to the rear north east corner of the site; and the roof mounted renewable energy generators including solar thermal and photovoltaic panels on the houses. The proposed appearance of the dwellings complies with the requirements of policy HD6: 'Housing Layout and Design' of Angmering Neighbourhood Plan which states "for residential development architectural features such as tile hanging, splayed bays, Sussex half hipped roofs with feature quoins and architraves will be encouraged where appropriate to a development". A further opportunity exists to control the appearance of these properties at the reserved matters stage.

Layout;

The proposed layout has been influenced by the idea of grouped dwellings surrounded by mature and newly planted trees and shrubs; with houses fronting onto Roundstone Lane providing an active street frontage. The internal road curves into the centre of the site and a variation in set back and differing orientation of the dwellings softens the development edge. Parking on the site is predominantly arranged perpendicularly off the internal road. A three storey apartment located towards the rear of the site will form a back-drop to the development. The proposed housing layout complies with Policy HD6 of the ANP, which requires that the layout incorporates the planting of new trees and shrubs.

Opportunities need to be sought to link the proposed development with that under construction on the former West End Nursery site to the north of the application site, with pedestrian and cycle access to allow integration and better use of public open space; and provide a complimentary layout in terms of the location of the public open space and the houses, with the possibility of creating a green link between the outline application site and the public open space on the approved housing scheme on the West End Nursery site to the north. In terms of a connection to the West End Nursery site (CALA Homes development) to the north, it is understood that the applicant has approached the developer to discuss this. However, given that outline planning permission has not been granted on the "Quiet Waters" site (i.e. the application site), CALA Homes have not actively pursued any discussions. This is something that should be explored at the reserved matters stage.

The proposed housing mix complies with policy HD3 of the ANP which requires proposals for more than 6 dwellings to demonstrate how the applicant has sought to meet local needs and to provide for a mix of housing sizes and the delivery of more smaller and fewer larger dwellings is encouraged. The inclusion of 3 bedroom smaller dwellings and an apartment building meet these requirements.

Landscape:

The applicant has submitted a Landscape Design Strategy and outline planting specification which envisage that the existing, retained trees along the boundaries would be reinforced with native trees, shrubs and hedgerows which would enhance the existing biodiversity and ecology on the site. Within the site there would be the opportunity to plant ornamental trees and shrubs which would introduce colour, scent and seasonal change as well as attracting wildlife.

Paragraph 1.5 of the Open Space SPG confirms that open space is defined as: "A well designed scheme could incorporate areas of open space, existing landscape features such as mature trees and hedgerows, appropriate new planting, provision of children's play areas and car parking, and a mechanism for long-term management of the developing landscape." Clearly, the standard allows landscaped buffers and car parks to count towards the open space within the site. Public open space needs to be provided in a usable form, usually large blocks, to ensure the inclusion of high quality greenspace which is accessible and can be used effectively and not be tucked into corners, behind or alongside properties which will be difficult to manage, particularly given the sloping nature of some parts

of the site. Given that the quantum of open space is above the standard (excluding the car parking) and it comprises land that all counts as designated open space, the indicative layout plan is acceptable in principle. However, a full detailed landscape scheme with a detailed planting plan will be required at the reserved matters stage, which would ensure there is sufficient space to accommodate retained trees.

In addition, the previous withdrawn planning application (A/39/17/OUT) on the site was for 32 dwellings and the pre-application correspondence from the LPA referred to the provision of on-site open space and a LAP, with a contribution being sought to enhance the existing MUGA at Palmer Road Recreation Ground. The current outline planning application (A/132/17/OUT) is for 30 dwellings (2 less than the previous planning application) so more space is available to accommodate the requisite open space, and includes on-site provision of open space, including a LAP, together with the addition of an off-site MUGA contribution.

Trees:

The applicant submitted an Arboriculture Impact Assessment and Method Statement. The site has embankments and levels issues to the north, east and south sides, which would appear to indicate that there would be a need for significant levelling across the site to accommodate buildings and level gardens running back to the site boundaries. This then places under threat the 13 B graded trees which are shown for retention as the works would overlap their Root Protection Areas (RPAs). Drainage runs and soakaways would, in places, cut through some retained tree RPAs. The open spaces within the site all have large cellular water storage tanks and soakaways set into them which means trees cannot be grown over the top of this space and provide easement zones on either side of them.

After the withdrawal of the previous outline planning application a group Tree Preservation Order (TPO) was imposed on the site which relates to three trees (ref. TPO/A/1/17 2017): a London Plan, a Maple and a Hornbeam, which affected the layout of development on the site. The applicant has further revised the site plan for the replacement Hornbeam to be located on the eastern boundary to the south of the retained TPO tree T31. This location is far enough away from the proposed apartment building to allow further growth. The drainage plans have been revised and the soakaways and drain runs have been removed from the root zones of the TPO trees T31 and T53. Trees could be planted to the site frontage as well as to the eastern boundary. There is also scope for tree planting within the site to the proposed access road edge and to the northern and southern boundaries of the site as shown on the revised site plan, which should be achieved through the imposition of a tree condition. It is considered that the proposed development layout complies with policy GEN28 of the ALP and policy ENV DM4 of the eADLP, that seek to safeguard protected trees.

Neighbour Amenity:

Policy GEN7 of the ALP indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account the impact on adjoining occupiers, land, use or property. Planning policy further indicates that good design should contribute positively to making places better for people. Further details are expected at the reserved matters stage.

It is considered that the proposed development - as set out on the indicative layout plan - would be acceptable on the residential amenities of neighbouring properties because there would be no materially adverse overlooking or overbearing impacts given the distances to site boundaries.

In terms of the residential amenity of the residents of the proposed development, the Environmental Health Officer has requested a condition be imposed requiring the submission of a noise report to assess the impact of the AUDI car showroom which is currently being constructed on the adjoining site. An

amended indicative layout plan demonstrates that the gardens in the southern part of the site are capable of being an acceptable size. This will need to be demonstrated by plans submitted at the reserved matters stage so that the proposal can be confirmed as being in accordance with policy GEN7(iv) of the ADLP and policy HD6 of the ANP.

Ecology:

The applicant submitted a Preliminary Ecological Appraisal which identified the application site as providing suitable habitat for roosting bats, breeding birds and hedgehogs. The Appraisal recommends that a range of measures should be undertaken to satisfy the requirement for ecological enhancement. These are covered in the conditions recommended by the Ecologist. Consequently, it is considered that the proposed development complies with policy ENV DM5 of the eALP.

TRANSPORT:

Trip Generation

A Transport Statement has been submitted in support of the outline planning application. The Transport Statement identifies the range of highway improvement works associated with the West End Nursery/Angmering Strategic Development site such as improvements to the A259 and traffic management improvements for Angmering village that the Statement concludes provide sufficient mitigation for this outline planning application (A/132/17/OUT).

The site is anticipated to generate 19 two way vehicle movements in the AM peak and 20 two way vehicle movements in the pm peak. The movements do not meet the thresholds for additional capacity testing to be undertaken, and such flows would not have a material impact on the operation of the local highway network.

Parking

Parking provision has been assessed using the WSCC Parking Demand Calculator. The outputs from this indicate that the on-site parking provision of 56 spaces is sufficient to accommodate the forecast demands. The proposed car parking includes on-street parking and the use of parking courts, perpendicular parking in front of houses in a row along the southern side of the access road, and on-plot parking. The proposed parking layout is considered typical of new residential developments and is an efficient way to deliver the required parking spaces. It is proposed to landscape the parking bays with new trees which would help to screen the cars visually and break up the parking spaces.

Covered cycle parking is provided in accordance with WSCC parking standards with 56 spaces across communal storage blocks for the flats and rear garden storage for the houses.

Proposed Vehicular Access Arrangements

A raised table would be provided, as indicated on the layout plan, which has been set back within the site, thereby enabling vehicles to complete the turn into the site before manoeuvring over the vertical deflection, reducing the risk of loss of control type accidents as a result of the sudden change in direction.

A Stage 1 Road Safety Audit has been submitted with the Transport Statement which identified two problems. The first requires further information of drainage detail to be provided as part of the detailed design (and reviewed at RSA Stage 2), which has been accepted by the Auditor. The second relates to the provision of suitable visibility at the access to the site to be kept clear of vegetation. The applicant has accepted this recommendation, and advised that vegetation fronting the site boundary is within their control. It is recommended that splays extending 43 metres are secured by means of condition.

Pedestrian access and bus stops on Roundstone Lane

Footways are proposed along the site frontage with pedestrian crossing points, tactile paving, dropped kerbs and bus stops on each side of Roundstone Lane. The applicant has engaged the bus operator to determine whether they would be satisfied in serving the proposed bus stops, even though they are in close proximity to existing stops; and the bus operator has confirmed that they are willing to do so. This provision, as well as the footway and crossing scheme, should be included as part of the Section 106 Agreement.

Travel Plan

The outline planning application was accompanied by a Transport Statement, which included a Travel Plan framework which could be developed into a full Travel Plan following the granting of outline planning permission.

Consequently, it is considered that the proposed development complies with policies GEN12 and GEN15 of the ALP, policies T DM1 and T SP1 of the eALP and policies HD8 and TM1 of the ANP.

Contaminated Land:

Development on or in close proximity to hazardous sites or contaminated land will be permitted provided the LPA is satisfied that appropriate remedial measures can be or have been undertaken in respect of human health and groundwater.

The application site lies in an area that was initially identified by the Health and Safety Executive (HSE) as a Major Hazard Zone. The initial advice from the HSE was that there were sufficient reasons on safety grounds for advising against the granting of planning permission. The HSE initially objected to the outline planning application but withdrew their objection claiming that "HSE Planning Advice does not have an interest in the development". The HSE submitted an updated map layer to the LPA on 8th September 2017 removing the HSE consultation zone from the former Roundstone Nursery site. The HSE and both landowners have been advised that the licence has been revoked and this should be the last part of the process to formalise the records.

Flooding and Drainage:

The application site falls within Flood Zone 1 which has a low risk of flooding from fluvial sources. The proposal includes a SuDS system which has been designed to store surface water. The surface water flow rate will be discharged to ground via porous pavings and 8 soakaways.

A Flood Risk Assessment was submitted with the outline planning application, which concludes that the application site has a Low Risk flood risk profile; and the proposed development will not increase the flood risk, either on this site or to neighbouring properties. The applicant is proposing to discharge the foul water by means of gravity into Southern Water's foul sewer at the existing manhole in Roundstone Lane. Authorisation to discharge into the public sewer will be granted via a Section 106 application to Southern Water, the owner of the sewerage network. Consequently, it is considered that the proposed development complies with Policies EH3, GEN20 and GEN25 of the ALP, Policies W DM2 and W DM3 of the eALP and Policy EH3 of the ANP.

Supporting Infrastructure:

Development is only acceptable with the provision of, or contributions to, the necessary infrastructure and facilities to mitigate the impacts of the development. Policy HD9 (Phasing of Residential Development) of the ANP seeks to make sure that new housing proposals demonstrate that there is the necessary capacity in the community and physical infrastructure and services are available to support

the increase in population. Representations received raised concerns about the lack of capacity of healthcare facilities in the area, as the doctors surgery is nearing capacity.

Negotiations on the Heads of Terms to be included in a Section 106 Agreement are at an advanced stage and include the following:

WSSC has confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have spare capacity and would be unable to accommodate the children from the development. Contributions are requested (based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage). The contributions generated by this proposal shall be spent on additional facilities at St Margaret's CofE Primary School, Angmering; additional facilities at the Angmering School; and additional facilities at the Angmering School Sixth Form.

The Library Service has sought a formula based contribution into S106 Agreement so that the library contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on flexible shelving to enable increased community use at Angmering Library.

Fire and Rescue contributions have been sought by WSSC (formula based) towards the provision of smoke alarms for vulnerable persons in Angmering. However, the Inspector at the Yapton appeal concluded that the provision of smoke alarms for vulnerable persons was not CIL compliant with the three tests in Regulation 122 of the CIL Regulations. Consequently, this requirement will not be progressed as a Heads of Terms in the Section 106 Agreement.

The Local Highway Authority has requested that the footways along the site frontage, the pedestrian crossing points, tactile paving, dropped kerbs and bus stops on each side of Roundstone Lane should be included as part of a Section 106 Agreement.

The open space requirements are set out in the relevant section above and further detail is set out in the Section 106 table attached to this report.

For all developments over 15 residential units the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010). The proposal includes 30% affordable housing and indicates that the size of units to be provided would be within the range for affordable housing set out in Table 30 of the Council's Objectively Assessed Housing Needs Study, 2015. The proposed on-site provision is 10 affordable housing units. The proposed provision of affordable housing is supported by the Council's Housing Strategy and Enabling Manager. The proposal accords with Policy DEV17 of the Local Plan, as updated by the Interim Affordable Housing Policy and Policy AH SP2 of the modified Local Plan.

Subject to the satisfactory conclusion of the Section 106 negotiations it is considered that there are no barriers to achieving compliance with Policy GEN8 of the Arun Local Plan and Policies INF SP1 and INF 2 of the modified Local Plan by ensuring provision of the required infrastructure. An update on the final Section 106 requirements will be provided at the Development Control Committee meeting.

CONCLUSION

The application site is located outside the defined built-up area boundary of Angmering and is contrary to Policy HD1 of the ANP which intends to protect the countryside from non-related development. However, the application site on Roundstone Lane is no longer a countryside location due to the amount of house building that has been delivered in the immediate area. The site is in a sustainable location which is suitable for housing. It is considered that the principle of development on this site is acceptable. The development will make a significant contribution towards market housing and affordable housing in

the District, further boosting the sustainability of Angmering and provide an enhanced MUGA at Palmer Road Recreation Ground, in Angmering, for the local residents.

Some policies in the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding, the natural environment and noise. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, the content of the Section 106 Agreement or because the public benefit outweighs the harm in respect of the issue at hand.

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

The draft Section 106 Agreement is currently being agreed with the applicant and it requires developer contributions (to be calculated by way of formula based on the eventual mix of houses) which will be required for:

Primary Education - £89,956

Secondary Education - £96,812

Sixth Form - £22,680

Libraries - £11,023

Fire and Rescue (the request for a contribution of £892 towards the provision of smoke alarms for vulnerable persons in Angmering is not CIL compliant as it does not meet the three tests set out in Schedule 122 of the CIL Regulations)

(These £ figures are correct based on the current housing mix)

Provision of 10 Affordable Housing units (tenure mix to be specified and Registered Providers identified in the Section 106 Agreement).

The pedestrian infrastructure comprising footways along the site frontage, pedestrian crossing points, tactile paving, dropped kerbs and bus stops on both sides (i.e. alongside the northbound and southbound carriageways) of Roundstone Lane, as shown in the Proposed Access Provisions plan Ref: 101 Rev B.

Provision of the laying out of the Public Open Space (POS) on site as shown on the proposed site plan and in the Design and Access statement and the formation of a management company to maintain the open spaces, together with the LAP play area. The number of dwellings in the development triggers an off-site MUGA contribution of £6,000 for the upgrading of the existing MUGA facility at Palmer Road Recreation Ground, Angmering.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than two years from the date of this permission.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall begin not later than two years from the date of approval of the first of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the town and Country Planning Act 1990 (as amended).
- 4 The planning permission relates to the following approved plans:

 - Location Plan
 - C-1615(08)002 - Existing Site Plan section only
 - 101 Rev. B - Proposed access provisions
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.
- 5 The details referred to in condition 1 shall include details of the materials and external finishes of the buildings, surfaces for roads/footpaths, means of enclosure and the parking of vehicles, and the provision of samples of such materials and finishes as required. Development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable to the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy GEN7 of the Arun District Local Plan.
- 6 Development shall not commence until full details of the proposed surface water drainage

scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, 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.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because surface water drainage needs to be installed before dwellings are occupied.

- 7 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

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: C753 Chapter 32, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the SuDS system needs to be installed before dwellings are occupied.

- 8 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

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: C753 Chapter 32, in accordance with Policy GEN7 of the Arun District Local Plan.

- 9 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Roundstone Lane. 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.

Reason: In the interests of road safety, in accordance with Policy GEN7 of the Arun District

Local Plan.

- 10 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree.
- iv. The detailed landscape design for the development including the layout and design of the public realm within the development.
- v. Details of the play areas and public open spaces.
- vi. Details of the surfacing, lighting, and signage of all footpaths, cycle routes and a phasing plan for their provision;

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 11 No dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan Policy GEN7 and DEV26.

- 12 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

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

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

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.

- 14 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework, March 2012). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with Policy GEN7 of the Arun District Local Plan.

- 15 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Arun District Local Plan policies GEN7. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 16 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy GEN7 of the Arun District Local Plan.

- 17 a. Prior to the commencement of development or other operations likely to affect trees being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

b. No operations affecting trees shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening of any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any

area designated as being fenced off or otherwise protected in the approved scheme.

d. Protective fencing shall be retained intact until completion of the phase or sub phase hereby approved and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because trees need to be protected throughout the construction of dwellings on the site.

- 18 Prior to the commencement of construction works or any preparatory works detailed Ecological Management and Mitigation Plan including a Schedule of Works shall be submitted to the LPA for approval and will be based on the recommendations within the supporting Preliminary Ecological Appraisal Report. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Ecological Management and Mitigation Plan shall include but not be restricted to:

- timings for clearance of trees or scrub to avoid impacts on breeding birds
- two phased cutting of grassland along site boundaries to deter reptiles and amphibians
- details of compensatory and additional tree planting
- details of compensatory boundary habitat planting
- details and location of bird and bat boxes
- boundary features to measure at least 5m width for the majority of the site to allow for commuting badgers

Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003). It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 19 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the bird breeding season needs to be protected during the construction works.

- 20 Every new home will have an Electric Vehicle charge point.

Reason: Petrol and diesel cars and vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy GEN7 of the Arun District Local Plan

- 21 External lighting in association with the development should comply with Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: In the interests of residential amenity in accordance with Policy GEN7 of the Arun

District Local Plan.

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

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 23 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 24 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the

remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 25 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not 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 effective 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),
 - details of public engagement both prior to and during construction works,
 - measures to control the emission of dust and dirt during construction.

Reason: For the avoidance of doubt and in the interests of amenity, the environment and highway safety, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because a Construction Management Plan needs to be approved and in place before construction commences on site.

- 26 No machinery, vehicles or plant shall be operated on; no process be carried out and no deliveries taken at or dispatched from the site except between the hours of 07:00 and 18:00 on Mondays to Fridays inclusive; 07:00 and 13:00 hours on Saturdays and not at any time at all on Sundays or Bank Holidays.

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

- 27 A. Prior to the commencement of development, the applicant shall submit a report prepared in accordance with the provisions of BS4142, to demonstrate the predicated noise levels at the nearest noise sensitive residential location caused by any noise generating business in the locality. As necessary, a scheme shall then be provided to demonstrate that the internal noise levels within the residential units will conform to the "indoor ambient noise levels for dwellings" guideline values specified within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings, which shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required from noise affected rooms. The work specified in the approved scheme shall be carried out in accordance with the approved details prior to occupation of the properties and be retained thereafter.

B. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the external noise levels within the curtilage of the residential units will conform to the "design criteria for external noise" upper guideline value of 55 dB LAeq,T, as specified within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

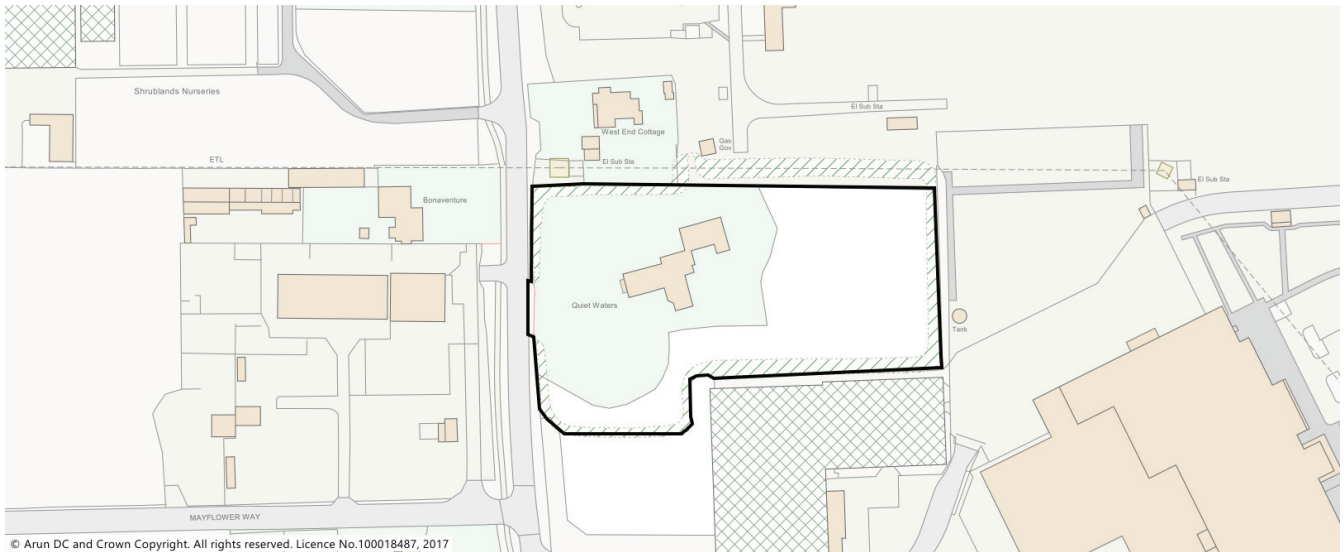
C. Before first occupation of any dwelling where unacceptably high levels of noise are likely to

be experienced, then post validation testing shall be undertaken by a competent person to determine compliance with the acoustic report and BS 8233. This must be submitted and agreed in writing with the Local Planning Authority before first occupation.

Reason: In order to safeguard residential amenity in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because noise levels need to be within acceptable level to ensure residential amenity of the residents of the new dwellings.

- 28 INFORMATIVE: No development should take place within 5 metres of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council.
- 29 INFORMATIVE: Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter).
- 30 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.

A/132/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Outline planning application A/132/17/OUT – Quiet Waters, Roundstone Lane, Angmering				
Obligation	Indicative assumption for viability purposes	Trigger point	Payment / delivery method	Note
Highways and Transport				
The pedestrian infrastructure (as shown in the Proposed Access Provision plan Ref: 101 Rev B) comprising footways along the site frontage, pedestrian crossing points, tactile paving, dropped kerbs.			To be provided by the developer	
Provision of bus stops on both sides (northbound and southbound carriageways) of Roundstone Lane, Angmering.			To be provided by the developer	
Education				
Contribution shall be spent on additional facilities at St Margaret's CofE Primary School, Angmering.	£89,956		Commuted sum payable to WSCC	
Contribution shall be spent on additional facilities at the Angmering School.	£96,812		Commuted sum payable to WSCC	
Contribution shall be spent on additional facilities at the Angmering School Sixth Form.	£22,680		Commuted sum payable to WSCC	
Library				
Contribution shall be spent on flexible shelving to enable increased community use at Angmering Library.	£11,023		Commuted sum payable to WSCC	
Health infrastructure				
No specific scheme identified by the NHS				
Affordable housing				
30% (10 units) of the homes to be	30% provision		On site delivery in accordance with details	Detailed location

provided as affordable housing.	in line with Development Plan policy		to be determined at Reserved Matters stage.	to be determined at reserved matters stage. Registered Providers (RPs) to be identified in the s106 Agreement.
Open space				
On-site provision and maintenance of multi-functional green space and equipped LAP play area.			Commutated sum payable to Management Company (not yet established)	
Contribution towards the upgrading of the existing MUGA facility at Palmer Road Recreation Ground, Angmering	£6,000		Commutated sum payable to Arun District Council (Sports and Leisure)	

PLANNING APPLICATION REPORT

REF NO:	A/169/17/OUT
LOCATION:	Land west of Brook Lane & South of A259 Angmering
PROPOSAL:	Outline application with all matters reserved for demolition of existing buildings on site & erection of a mixed use development comprising up to 90 No. residential units, a care home (Use Class C2 & C3) & ancillary facilities including railway crossing, together with associated access, car parking & landscaping (resubmission following A/44/17/OUT). This application is a Departure from the Development Plan & lies within the parishes of Littlehampton & Rustington.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission for the construction of up to 90 dwellings and a 72 unit residential care home (use classes C2 & C3). This application is a resubmission following the refusal of application A/44/17/OUT.
SITE AREA	Approximately 5.9 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 27.5 dwellings per hectare.
TOPOGRAPHY	The topography of the site is predominantly flat but is set at a lower level than the A259 to the north.
TREES	The site, due to its largely undeveloped nature, features a number of mature trees and hedgerows. The Council's Tree Officer has undertaken an assessment of the site and proposed that 15 individual Tree Preservation Orders (TPO) and 3 group TPO are places on the site.
BOUNDARY TREATMENT	The site boundaries consists predominantly of mature trees and hedgerows.
SITE CHARACTERISTICS	<p>The site is situated to the south of the A259 and to the west of Brook Lane. It is accessed directly from the A259 and falls within both Angmering Parish as well as Littlehampton, with the proposed railway bridge providing direct access to Rustington (situated to the south of the site).</p> <p>The site is largely undeveloped and has historically been used as grazing land. The site currently features a detached dwelling and an old stables which is the subject of a personal planning approval for the siting of two caravans for use by travellers.</p> <p>The site is largely situated within flood zone 1, with an area measuring approximately 0.6ha in the south-eastern corner</p>

falling within flood zone 2 and an area approximately 0.2ha identified as flood zone 3.

CHARACTER OF LOCALITY

The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land immediate to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/44/17/OUT	Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. Departure from the Development Plan. This application also falls within the parishes of Littlehampton & Rustington.	Refused 29-08-17
A/116/10/CLE	Application for a Certificate of Lawfulness for an existing use as Class C3 residential.	Approve 15-10-10
A/37/04/	Renewal of temporary permission A/12/02 for use of land for the stationing of 1 x mobile home	ApproveConditionally 06-05-04
A/12/02/	Renewal of temporary planning permission A/96/98 for use of land for the stationing of 1 no mobile home (Departure from the Development Plan)	App Cond with S106 16-04-02
A/96/98/	Use of land for the stationing of 1 no. mobile home.	ApproveConditionally 09-06-99

Personal planning permissions were granted under references A/101/96 and A/96/98 for the stationing of a total of 2 residential caravans on a portion of the application site. Whilst these applications conflicted with countryside policies the LPA gave consideration to the personal circumstances of the applicants and their Gypsy/Traveller status and as such granted permission.

Planning permission was refused under reference A/44/17/OUT for the same scheme as is now

proposed for the following reasons;

1. The proposed development by reason of its location is considered not to provide suitable access to public transport opportunities contrary to policies GEN7(iii) of the Arun District Local Plan; and Paragraphs 17 and 35 of the National Planning Policy Framework.
2. The development by virtue of its proximity to the railway line would result in an unacceptable risk to the safety of the future occupiers of the site contrary to policy GEN7(v) of the Arun District Local Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Rustington Parish Council

Angmering Parish Council:

Comments awaited and once received will be presented as a report update.

Littlehampton Town Council:

Objection -

- Dementia care homes location between dual carriageway and railway line is inappropriate.
- Impact of noise from the A259 on residential amenity needs consideration.
- Acoustics report fails to consider impact of A259 on first floor accommodation and housing design should incorporate measures to mitigate this.
- Consideration could be given to maximising the use of renewable energy to mitigate additional energy requirements from installing air conditioning.
- Noise and pollution in the gardens of the proposed dwellings and whether the acoustic barrier was sufficient to mitigate this.
- Proposed access to the development is concerning given that the A259 is already under considerable pressure.
- This section of the A259 would effectively become a single lane road for through traffic with vehicles accelerating and decelerating into the new junctions.
- It is difficult to see how all of the proposed new development in this area would not adversely impact upon the safe operation of the highways network.
- The railway bridge is considered essential and should be as accessible as possible.
- It was observed that a new footway/cycle path was proposed from the western end of Brookfield Park into the site rather than along the A259 connecting with the Body Shop roundabout. This raises serious concerns about safety and security in the hours of darkness.
- The site appeared to have established Gypsy Traveller status, there was no mention of this or how alternative provision would be accommodated if the site was developed.
- It was also noted when viewed from the railway line the parts of the site appeared to be flooded.
- Members feel it imperative to design the site to accommodate this water and preserve and enhance the diverse ecology at the site.
- It is also crucial that a scheme is designed and agreed with Southern Water to deal with waste water in advance of development commencing.
- Whilst, members did not object to the principle of the site being suitable for development, it was considered that there were considerable hurdles to overcome before they could be supportive of the plans.
- Additional pressure on nearby highway junctions by virtue of the developments location.

Rustington Parish Council:

No Objection -

- The proposal will result in an increase in traffic levels/flows as a result of not only this development but other proposed development which will cause congestion and will add to the hazards of the highway users in the vicinity.
- The proposal will generate an unacceptable increase in vehicular traffic entering and leaving the public highway to the detriment of highway safety, and will result in an excessive amount of development being dependant on a single point of access.
- The increased use of Brook Lane for the proposed development will result in a major adverse effect on the traffic flows on the A259 which already has congestion at peak times.
- The proposed creation of an additional access in Planning Application A/11/17/OUT to and from the A259 and the increase use of Brook Lane by this application causing vehicles to be accelerating and decelerating at a further two points along this stretch of road will be a hazard to road users and is totally unacceptable.
- It would be a sensible approach and certainly most beneficial if the applicants for this proposal and A/11/17/OUT could work together to achieve an enhanced single point of access which would alleviate the impact on the highway traffic infrastructure.
- The construction of a footbridge across the railway line is imperative in the interest of health and safety and would need to be a strict condition of any approval granted, which would have to be implemented without any further discussion or negotiation by any prospective future occupiers. There must be no legal loophole which would allow a developer to avoid providing this footbridge at a future date. There have been a large number of fatalities at this location in the past and in the interests of the safety of pedestrians wanting to access the development from the public right of way from either Brook Lane or Penfold Lane. No permission should be granted without the undertaking to construct this footbridge.
- Improvements would be crucial to Penfold Lane, a public footpath currently in a very poor state of repair. The Local Planning Authority is, therefore, urged to ensure that financial contribution is secured jointly from both the applicants for A/11/17/OUT and this application.
- The impact of noise from the A259 would be unacceptable and would exceed acceptable limits.
- The proposal by virtue of its location outside of the Built up Area Boundary and in Flood Zone 1, is in conflict with policies contained within the Local Plan.
- The proposed development will put excessive pressure on an already over-loaded sewerage and drainage system.

In respect of the Travel Plan the following observations are made;

- Only part of Rustington is accessible by foot from the site.
- The provision of a new footpath/cycle path/bridge over the railway line will only be of benefit if Penfold Lane is accessible to cycles, prams, pushchairs and mobility type scooters. Currently, the surface is extremely hazardous as it is uneven with major pot holes throughout and overgrown vegetation along both the east and west boundaries.
- It is stated that the new site is in close proximity to numerous essential amenities, including the nearest primary school which is 1.9km from the site. The Travel Plan is therefore surely incorrect to assume most trips by parents and pupils will be on foot, by cycle or by bus.
- Rustington has initiated a six-month trial bus service which commenced in September 2017, the replace the No. 12 bus which ceased in April 2017. There is no guarantee that this will continue without funding from the responsible Local Authorities at the end of the trial period.
- The base data and predictions show bus statistics in peak travel time which, without any current bus services, are unworkable. The Travel Plan objectives would be difficult, if not impossible to achieve, without the provision or financial contribution to a sustainable bus service which would satisfy the NPPF.

Letters of Representation:

None received - any comments received prior to 15th November 2017 will be provided as a report update.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council's are noted and will be considered in the conclusion to this report.

CONSULTATIONS

WSCC Strategic Planning
 Archaeology Advisor
 Sussex Police-Community Safety
 Highways England
 Environment Agency
 Ecology Advisor
 Environmental Health
 Planning and Housing Strategy
 Parks and Landscapes
 Economic Regeneration
 Natural England
 Arboriculturist
 Highways England
 Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 NHS Coastal West Sussex CCG
 Surface Water Drainage Team

CONSULTATION RESPONSES RECEIVED:**ECONOMIC DEVELOPMENT**

- No objection to this application.
- We would ask that the developer signs the Arun Developer and Partner Charter, produces and implements a meaningful Work and Skills Plan and also works to encourage local companies to be part of their supply chain. We would be willing to assist with an event to encourage all of these.

HOUSING STRATEGY AND ENABLING

- No objection
- The applicants have produced an Affordable Housing Statement setting out the details of a policy compliant scheme which meets the requirements of the Council's Affordable Housing Policy by Providing 30% (27 units) affordable housing on-site as part of the development.
- As this is an outline application I am satisfied that the details of the tenure, dwelling type/size and location of the 27 on-site affordable dwellings can be agreed as part of a subsequent reserved matters application and secured via S106 Agreement.

ECOLOGICAL

- Following submission of Bat Survey Results and Mitigation Plan for the farm house (May 2017) we are happy that the mitigation proposed would be suitable. At reserved matters stage this mitigation strategy will need to be updated following the further survey work currently being undertaken. A condition should

be used to ensure that this takes place.

- The applicants should be aware that a Natural England Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.
- The Preliminary Ecology Report Appraisal identifies that the garage on site also has the potential for roosting bats. Unless this building is being retained we will also require that bat emergency survey are undertaken on this building by a suitably qualified ecologist during the active breeding period (May-September).
- The two trees (English Walnut and English Oak) have been identified as being suitable for bat roosting. Currently these trees are being retained but should this change and any works are required to the trees then further bat emergence surveys will be required.
- The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats.
- Following submission of the 'Water Vole Mitigation and Method Statement - May 2017' it is considered that the proposed mitigation is suitable.
- The mitigation measures proposed by the 'Reptile Survey (2017)' are suitable and should be conditioned.
- Prior to commencement a badger survey should be undertaken to ensure badgers are not using the site.
- Works to trees or vegetation clearance on the site should be undertaken outside of the bird breeding season (1st March - 1st October). If works are carried out within this time an ecologist will need to check the site before any works take place (within 24 hours).

NATURAL ENGLAND

- No objection - based on plans submitted, Natural England considers that the proposed developments will not have significant adverse impacts on designated sites and has no objection. We refer back to our response of 7th April 2017 (A/44/17/OUT) for further detail.

HIGHWAYS ENGLAND

- The applicant's consultant provided traffic information in support of A/44/17/OUT on 2nd May 2017 which demonstrated that the trips generated would be of a level that will not materially affect the safety and/or operation of the SRN.
- Highways England offered no objection to that planning application. As the traffic information for A/44/17/OUT is still applicable to the current application, reference A/169/17/OUT, we do not offer any objections or requirements relating to the proposal.

EMERGENCY PLANNING OFFICER

- No comment.

ENGINEERS (DRAINAGE)

- Please apply standard conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B and ENGD6A.

WSCC PLANNING SERVICES

- The application is a resubmission of A/44/17/OUT, it does not appear that any additional information has been provided and as such our comments remain unaltered.
- Revised modelling has been provided by the applicant for the A259/B2187 Body Shop, the results of which detail sufficient capacity at the junction to accommodate the impacts of the development.
- Improvements to the rights of way within the site should be extended to the full extent of the site and an obligation should be included to secure the provision of a new pedestrian and cycle bridge over the

railway and improvements to PROW 2159 Penfold Lane south of the railway line; PROW 2159 to the west of the site; PROW 2158 between Penfold Lane and Brookside Avenue; and PROW 2160 to the north of the site.

- Conditions requested.

WSCC LOCAL DEVELOPMENT DIVISION: S106 Consultation Response

- Contributions requested towards School, Library and Fire & Rescue Infrastructure.

WSCC FLOOD RISK MANAGEMENT:

- Modelled surface water flood risk - Low risk
- Modelled groundwater flood risk susceptibility - Moderate risk
- Records of any historic flood within the site - No
- Ordinary watercourses nearby - Yes
- The Flood Risk Assessment included with this application proposes that permeable paving, attenuation via ponds and below ground storage with restricted discharge to the watercourse would be used to control the surface water runoff from the site in line with existing Greenfield run-off rates. Subject to infiltration testing/groundwater monitoring, this method would in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

ENVIRONMENT AGENCY

- The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (March 2017) submitted with this application are implemented and secured by way of a planning condition on any planning permission.
- Condition proposed to secure this.

SOUTHERN WATER

- The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.
- Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."
- Informative requested.

SUSSEX POLICE

- I refer to our previous crime prevention advice letter for the development dated 18th April 2017 in regard to outline planning application (A/44/17/OUT). The advice remains extant.
- No objection received and no contribution requested due to the size of the scheme and pooling restrictions.

NHS - Coastal West Sussex Clinical Commissioning Group

- Contribution of £157,313 requested for 'The Coppice GP Surgery' for the infrastructure needs of managing GP consultant Health Care.

NETWORK RAIL

- The developer must ensure that their proposal, both during construction and after completion of works on site, does not;

- encroach onto Network Rail land
- affected the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now or in the future
- Network Rail strongly recommends the developer contacts assetprotectionsussex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of details works. More information can also be obtained from our website www.networkrail.co.uk/asp/1538.aspx.

TREE OFFICER

No comments received. Previous conditions requested under reference A/44/17/OUT applied.

ENVIRONMENTAL HEALTH

No comments received. Previous comments on planning application A/44/17/OUT applied and summarised below:

- No objections to this application so long as those conditions noted in the report ref 'ADC Acoustics ARR/PPN/C/2489.05 - 10th May 2017' are properly implemented.
- Conditions also requested.

GREENSPACE

No comments received. Previous comments on planning application A/44/17/OUT applied and summarised below:

- Fields in Trust guidelines (FIT) would suggest that 0.69Ha should be provided for the 90 residential units. The care home aspect of this proposal would also require open space more tailored for the usage of that facility.
- With the number of residential dwellings being proposed this would trigger the requirement for onsite play provision and Multi Use Games Area (MUGA) contribution in addition to the landscapes open space areas.
- Details of this will need to be provided to and approved by the LPA. Details of the maintenance provision to be provided and commuted sum payments required towards the maintenance of open spaces where these are provided on site and if taken on by the LPA.
- Comments also received in relation to Landscaping, Arboriculture and Biodiversity/Ecology.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions and informatives included as part of the recommendation report.

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary
Right of Way

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN12 Parking in New Development

GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN23	The Water Environment
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D SP1 Design
ECC DM1 Renewable Energy
ENV SP1 Natural Environment
H DM1 Housing Mix
HER DM4 Areas of Special Character
HER DM5 Remnants of the Portsmouth and Arundel Canal
H SP2 Affordable Housing
H SP5 Traveller & Travelling Showpeople Accommodation
LAN DM1 Protection of Landscape Character
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM3 Air Pollution
QE SP1 Quality of the Environment
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
T DM1 Sustainable Travel and Public Rights of Way
W DM1 Water Supply & Quality
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems
W SP1 Water

Angmering Neighbourhood Plan 2014 POLICY EH2 Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9	Phasing of Residential Development
Angmering Neighbourhood Plan 2014 POLICY TM2	Cycling Walking & Equestrian
Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Rustington Neighbourhood Plan 2014 Policy 2	Housing Design
Rustington Neighbourhood Plan 2014 Policy 4	Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD6	Archaeology

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Angmering, Rustington and Littlehampton Neighbourhood Plans have been made and as such policies EH2, EH3, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9 and TM2 of the Angmering Neighbourhood Plan; policies 2 and 4 of the Rustington Neighbourhood Plan; and policies 2 and 22 of the Littlehampton Neighbourhood Plan.

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 conflict with relevant Development Plan policies in that it would be situated outside of the built up area boundary. However there are other material considerations that justify the officer recommendation to approve the application.

OTHER MATERIAL CONSIDERATIONS

Decision makers may find themselves considering applications in an area with a Neighbourhood Plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a suitable supply of deliverable housing sites. In such instances paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made Neighbourhood Plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted.

The written ministerial statement of the 13th December 2016 states that Neighbourhood Plan policies relating to the supply of housing should not be considered 'out-of-date' under paragraph 49 of the NPPF when all of the following circumstances arise;

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

Taking the above into consideration other material considerations are such that the recommendation of approval for this planning application is justified.

CONCLUSIONS

BACKGROUND

This application is a resubmission following the refusal of planning application A/44/17/OUT by Development Control Committee on the 23rd August 2017. The previous application was refused for the below reasons;

1. The proposed development by reason of its location is considered not to provide suitable access to public transport opportunities contrary to policies GEN7(iii) of the Arun District Local Plan; and Paragraphs 17 and 35 of the National Planning Policy Framework.
2. The development by virtue of its proximity to the railway line would result in an unacceptable risk to the safety of the future occupiers of the site contrary to policy GEN7(v) of the Arun District Local Plan.

The proposal is largely unchanged from that previously considered by the Development Control Committee on the 23rd August 2017. However, in order to address the two refusal reasons the applicant has provided further details concerning the proposed boundary screening for the site and also made provision of a bus stop on site.

PRINCIPLE

The application site falls within the parishes of Angmering, Littlehampton and Rustington. Therefore, the development plan for the determination of this application will comprise of the Arun District Local Plan (2003); Angmering Neighbourhood Plan (2015); Littlehampton Neighbourhood Plan (2014); and the Rustington Neighbourhood Plan (2015).

Arun District Local Plan (2003):

The key policy considerations in the determination of this application are considered to be GEN2, GEN3 and GEN5 of the Arun Local Plan (ALP). The application site is situated outside of the built up area boundary (BUAB) as specified by policy GEN2. Policy GEN2 will not permit development situated outside of the BUAB unless it is consistent with other ALP policies. Policy GEN3 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the

BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policies GEN2 and GEN3 of the Arun District Local Plan.

Policy GEN5 of the ALP relates to the provision of new development within the Arun District, making provision for 8,700 new dwellings during the ALP period of 1996-2011. The application site is not identified within policy GEN5 and as such the proposed development is deemed to conflict with policy GEN5 of the ALP.

Angmering Neighbourhood Plan (2015):

The Angmering Neighbourhood Plan (ANP) was made on the 11th March 2015 on the basis of the saved policies in the ALP and the draft policies of the emerging Arun Local Plan 2014 (eALP).

The key policy considerations within the ANP are deemed to be HD1 and HD2. Policy HD1 identifies the BUAB for Angmering and states that development within the BUAB will generally be permitted. Policy HD1 also modifies the BUAB of Angmering incorporating an additional 1.47 hectares of land on Mayflower Way. Policy HD2 sets housing allocations within the neighbourhood plan area of Angmering and does not identify the application site.

Therefore, the proposed development by virtue of its location is considered to conflict with policies HD1 and HD2 in so far as it relates to the portion of the site which is located within the Angmering Parish Boundary.

Littlehampton Neighbourhood Plan (2014):

The Littlehampton Neighbourhood Plan (LNP) was made on the 5th November 2014 on the basis of the saved policies in the ALP and the draft policies of the eALP. The key policy considerations within the LNP are considered to be Policies 1, 2, 3 and 4. Policy 1 of the LNP states that sustainable development which accords with the policies in the LNP will be approved unless material considerations indicate otherwise; Policy 2 establishes a spatial plan for the town and establishes the built up area boundary and seeks for development to be focused within the Fitzalan corridor; Policy 3 seeks to supply a minimum of 200 dwellings in the period of 2014-2029 within Littlehampton; and Policy 4 makes housing site allocations which seek to meet the housing supply requirements of Policy 3.

It is considered that the proposed development will not conflict with policies 1, 2 and 3 by virtue of the policies wording. It is acknowledged that the application site is not identified by Policy 4 of the LNP - however, this policy does not seek to prevent further development within the Neighbourhood Plan Area.

Rustington Neighbourhood Plan (2015)

The Rustington Neighbourhood Plan was made on the 11th March 2015. Only a small portion of the application site is situated within the Parish of Rustington and this is limited to the proposed railway crossing. However, the application site despite falling primarily within Angmering and Littlehampton is considered to be most closely associated with the BUAB of Rustington. There are considered to be no policies contained within the Rustington Neighbourhood Plan which are relevant to the consideration of the principle of the proposed development.

Paragraph 198 of the NPPF states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted. In the recent decision from the Secretary of State, under appeal reference APP/C3810/V/16/3158261, it was stated that the circumstances (within the Arun District) are not normal because of the severe housing shortage in the light of the substantially revised OAN. Therefore, any conflict of the proposal with this part of the

NPPF can only be attributed limited weight.

Planning Balance:

For reasons given above, the application is not considered to accord with ALP Policies GEN2, GEN3 and GEN5 and Policies HD1 and HD2 of the ANP. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Following the Supreme Court's ruling on the 10th May 2017 in relation to the interpretation of paragraph 49 of the National Planning Policy Framework (NPPF), policies GEN2 and GEN3 of the Arun District Local Plan should no longer be considered as policies for "the supply of housing" for the purposes of paragraph 49.

However, policies GEN2 and GEN3 were prepared as part of a plan that was adopted in 2003, prior to the publication of the NPPF and based upon a much lower Objectively Assessed Housing Need (OAN) that only sought to accommodate residential development needs until 2011. The weight which can be attributed to policies GEN2 and GEN3 was considered in the 2014 appeal under reference APP/C3810/A/14/2220943. Paragraph 12 of this appeal decision stated that policies GEN2 and GEN3 (although still 'saved') could only be attributed limited weight due to the lack of a 5-year housing land supply within Arun District, in accordance with paragraph 49 of the NPPF.

Policy GEN5 of the Arun Local Plan relates to "the supply of housing" and as such is deemed to be out of date (given the Council's lack of a 5 year housing land supply).

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. The Council are currently only able to demonstrate 2.09 years supply of deliverable housing and by virtue of this significant shortfall that the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14 of the NPPF.

In recognition of this, Full Council resolved (January 2017) to invite planning applications on 'deliverable' HELAA sites or for the first phases of sites being investigated at potential strategic allocations in order to boost the short term housing land supply.

A written Ministerial Statement was published on the 13th December 2016 which stated that;

"relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

The statement applies to decisions made on planning applications and appeals from the date it was laid."

The Council are currently only able to demonstrate a 2.09 year HLS and as such the policies relating to the supply of housing in Neighbourhood Plans must be considered 'out-of-date' in accordance paragraph

49 of the NPPF and in accordance with the written ministerial statement (published 13th December 2016). Policy HD2 of the ANP; and Policies 3 and 4 of the LNP constitute policies for "the supply of housing" for the purposes of Paragraph 49 and as such these policies must be considered out of date in the determination of this application and as such reduced weight can be attributed to these policies.

The proposed development by virtue of its location is in conflict with policy HD1 of the ANP. However, the ANP was prepared on the basis of the OAN identified within the Publication Version of the eALP (2015). Therefore, given the significant revision of this figure which has taken place it is considered that only limited weight can be attributed to policy HD1 of the ANP. This position is further enhanced when the location of the application site is considered - whilst, the majority of the site is situated within the Parishes of Angmering and Littlehampton the site itself is most closely related to the BUAB of Rustington. The RNP does not feature any policies relevant to the consideration of the principle of this development and as such the proposed development does not conflict with the RNP.

The consideration of the emerging Development Plans relates to the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified in March 2017 ('the modified eALP').

The Examination of the Publication Version of the eALP (2015) was suspended by the Planning Inspector on the grounds that the Council's OAN should be reviewed higher than that proposed (580 units p.a). The Council has therefore had to identify more suitable land to meet additional housing supply requirements. Thus the OAN figure has been increased to 919 units per annum as of October 2016 with additional strategic sites currently being assessed and allocated in order to meet this higher figure. The proposed Modifications were approved by Full Council on the 22nd March 2017 and consultation took place between the 10th April and 30th May 2017. The proposed Modifications underwent Examination in September 2017 and the Inspectors decision is expected in Spring 2018.

The key policy considerations contained within the 'the modified eALP' are considered to be;

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional allocations for small sites being made across the District.

Policy H SP2 - Strategic Site Allocations - is split into 3 sections covering different areas of the District.

Policy SD SP2 - Built up area boundary - states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies.

Policy C SP1 - Countryside - states that outside the BUAB as well as outside both the strategic, site specific and broad allocations, the countryside will be safeguarded for its own sake.

Given that the application site is situated outside of the BUAB and is not a strategic allocation identified in policy H SP1 or H SP2 the proposed development the subject of this application will conflict with policy SD SP2 and C SP1 of 'the modified eALP'

Whilst, the proposed development conflicts with policies SD SP2 and C SP1 the modified eALP (2017) has been through examination and whilst it has not been adopted it weight can be attributed to the policies contained within 'the modified eALP' at this time.

Given the policy position which has been identified above it will be necessary to consider the development and ascertain if it will give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the development as stated in paragraph 14 of the NPPF.

Presumption in favour of sustainable development:

Para 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Environmental Role -

The application site is situated outside of the built up area boundary. Rustington to the south of the site can already be accessed by pedestrians through crossing the railway line. However, the application includes the provision of a railway bridge which will provide a safe pedestrian link directly into Rustington and the facilities it has to offer.

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances. These guidelines identify a maximum walking distance of 800m for Town Centres, 2,000m for commuting and 1,200m for school and elsewhere. The development fails to meet the 800m for 'town centres' criteria with Rustington Town Centre being located approximately 1500m away. Despite the failure to meet this standard a large number of other services are within the maximum walking distances specifically in relation to;

Dominion Way Industrial Estate - Approximately 120m

Manor Retail Park - Approximately 400m

Summerlea Primary School - Approximately 700m

Worthing Road shopping parade - Approximately 816m

North Lane Primary School - Approximately 840m

Rustington Retail Park - Approximately 900m

Angmering Train Station - Approximately 1,800m

Please note that these distances take into account the proposed railway bridge for the purposes of calculation. The proposed foot bridge over the railway line to the south of the site will be secured via Grampian condition with full details (including design) needing to be submitted to the LPA for approval in consultation with Network Rail and West Sussex County Council.

The nearest operational bus stop is located on the corner of Worthing Road and North Lane situated approximately 570m from the site. However, Manor Retail Park when approved included within its travel plan the provision of a bus stop which would be situated approximately 440m from the application site. A service (Service 12) commenced running from the 4th September calling at the Manor Retail Park on once hourly Monday-Friday between 10.00 and 15.00.

The distances to the nearest operational bus stops are not considered to be prohibitive to the use of bus services by future residents of the site. However, the applicants have made land available for the provision of a bus stop on site should it be desired for this to be included as an additional stop at a future date.

Planning application A/11/17/OUT which seeks permission for the construction of an A1 retail unit and an

A3/A5 unit to the east of the application site proposes a pedestrian link between the application site and Manor Retail Park. Without this pedestrian link there would be no easily accessible route between the proposed development and Manor Retail Park/Rustington Retail Park. Therefore, a Grampian condition has been included with this recommendation requiring that pedestrian connectivity is provided to the eastern boundary of the site prior to occupation of the 25th dwelling.

It is considered that the proposed development constitutes sustainable development in terms of its environmental role in accordance with paragraph 29 of the NPPF. It is also considered that the pedestrian improvements and railway bridge would accord with the goals of policy TM2 of the Angmering Neighbourhood Plan.

Economic Role -

The proposal will result in localised economic benefits through the need to employ people to carry out the development. The proposal will also result in an increase in Council Tax receipts, new homes bonus payments and the increased commercial activity that the future occupiers of the development will bring to the area. These economic factors weigh in the schemes favour.

The Council's Economic Development team have also requested that the developer produces a work and skills plan to provide opportunities for training whilst the development is being undertaken.

Social Role -

The proposal will provide a number of social benefits through the provision of housing to meet the significant shortfall currently faced by the Local Authority. The proposal will also provide 30% affordable housing where there is a significant need for such housing. The scheme will also feature a dementia care home providing for the needs of an aging population. These factors are deemed to weigh in the scheme's favour in terms of its social benefits.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Given the sustainability of the site and the policy position identified above it is now necessary to make an assessment of the impacts of the proposed development and its accordance with paragraph 14 of the NPPF.

LOSS OF GYPSY/TRAVELLER ACCOMMODATION

The Council commissioned Peter Brett Associates (PBA) to provide advice in relation to the loss of a parcel of the site which was previously granted planning permission for a Gypsy and Traveller use.

It has been identified by PBA that Land Registry records reveal that the Gypsy and Traveller site is now under the ownership of Store Properties Investments Limited (the applicants) and this has also been confirmed by the agent. The permissions granted for the use were personal planning permission for to the occupiers of the site at that time, due to their Gypsy and Traveller status.

The Gypsy and Traveller Justification Statement states, that the Gypsies and Travellers who previously occupied the site have now moved to alternative permanent accommodation. It has been assumed, albeit that there is no supporting evidence, that this statement is correct given that the named Gypsies and Travellers on the original personal permission are no longer resident at the site. It is unclear if the 'alternative permanent accommodation' referred too is housing or if they will be seeking accommodation in the Arun district again in the future claiming Gypsy and Traveller status.

It was stated by PBA in their response that there is no longer a valid Gypsy and Traveller planning permission on the Old Stables site, due to the site being no longer occupied or owned by the original

applicants who were granted the personal planning permissions. However, it has also been confirmed by PBA that emerging Local Plan policies are currently out of date due to the evidence studies (Gypsy and Traveller and Travelling Showpeople Accommodation GTAA (2013) and Gypsy, Traveller and Travelling Showpeople Site Selection Study (GTTSSS) (2013) having been undertaken before changes were made to national policy for traveller sites. Therefore, even if the site benefited from a full Gypsy and Traveller permission, it would not be possible to prove that the 'need' for this site still existed.

It is acknowledged that the personal permissions have lapsed and that there is an absence of up to date GTAA and GTTSSS studies. However, these documents are in the process of being updated and it is intended for this work to be completed by January 2018. In light of this the LPA must defend their position and secure the retention of existing Gypsy and Traveller uses to avoid creating a shortfall of suitably located Gypsy and Traveller sites within the Arun District. Therefore, the S106 agreement will secure the retention of land for the provision of

2 no. Gypsy and Traveller plots/sites on the application site for a period of three (3) years, whilst studies are undertaken.

CHARACTER AND VISUAL AMENITY

The proposed development would introduce up to 90 dwellings and a 72 unit residential care home upon the site, roads and car parking in place of a single dwellinghouse and former stables with established residential use. Therefore, the proposal will have a significant impact upon the character and appearance of the site. The site is situated outside of the built up area boundary and is enclosed by the A259 to the north and the railway line to the south. Whilst, the site primarily falls within Angmering and Littlehampton, established residential and commercial estates to the south of the site are situated within the built up area boundary of Rustington and Littlehampton.

The site is bordered to the north by the A259 with the character of the area to the north of the site being rural consisting of open fields and golf courses. Poling is located approximately 900m to the north with the South Downs National Park located approximately 2km away. The proposed development by virtue of its location when viewed from the north will appear integrated with the established built up area and is not considered to adversely intrude into the countryside. Due to the presence of the A259 and the site being set below the level of the road it is considered that the site is not well linked with the rural countryside to the north. Therefore, the proposed development will respect the landscape setting and views out of the South Downs National Park in accordance with policy HD5 of the Angmering Neighbourhood Plan.

Development has recently taken place to the east of the site up until Mill Lane located to the south of the A259 and north of the railway line with a number of commercial units having been constructed. Further commercial development is also proposed immediately to the east of the application site. Therefore, the proposed development will not have an unacceptably adverse impact on the established character of the immediate locality to the east of the site.

The proposed development will have a density of approximately 27.5 dph with the existing residential development to the south of the application site having a density of approximately 24dph. The proposed development density is acceptably given the established character of the locality and its close relationship to the established residential development to the south of the application site. Therefore, the proposal is deemed to accord with policy HD7 of the Angmering Neighbourhood Plan.

The application is only for outline consent and as such the layout provided is only indicative and is not the subject of approval by this application.

RESIDENTIAL AMENITY

The proposed development by virtue of its location has the potential to give rise to significant impacts to

the residential amenity of future occupiers by virtue of the sites close proximity to the A259 and the railway line. The NPPF under paragraph 123 seek to avoid and mitigate the impacts of noise on health and quality of life for new developments.

The applicant has submitted a 'Noise Assessment Report (Feb 2017) - ARR/PPN/C/2489.05 Rev A' and an 'Addendum Report (May 2017) - ARR/PPN/C/2489/05' which were previously considered by the Council's Environmental Health department. It was stated by Environmental Health that the measures proposed would mitigate against the adverse impact of noise from the A259 and railway line upon the residential amenity of future occupiers.

The proposed development will have an impact upon the established residential development to the south of the application site. There, will without question be an impact upon the views from the properties which back onto the railway line but the retention of views is not a material consideration in the determination of planning applications. Objections have also been raised in relation to overlooking of the existing residential properties by the proposed development. The indicative layout shows separation distances of at least 37m between the existing residential development to the south of the site and the proposed dwellings - this distance is considered more than sufficient to prevent unacceptably adverse overlooking, overshadowing or overbearing impacts to residential amenity. However, as this application is outline with all matters reserved and layout will be a matter for consideration at reserved matters stage.

AFFORDABLE HOUSING

The 'Affordable Housing Statement (March 2017)' which accompanies the application identifies that the proposed development will provide 30% affordable housing on-site and for the indicative scheme of 90 dwellings this will equate to 27 affordable dwellings.

Given that the application is outline the exact tenure, dwelling type, size and location of the on-site affordable housing cannot be fully agreed. However, the design and access statement proposes a mix of 8 x 1 bed; 16 x 2 bed; and 3 x 3 bed dwellings.

The Council's Housing Strategy and Enabling manager has stated that the details of the tenure, dwelling type/size and location of the 27 affordable dwellings can be agreed as part of the subsequent reserved matters application and secured via condition. However, the affordable housing contribution must be secured at outline stage via the s106 agreement.

The provision of affordable units remains unchanged from that previously proposed under application A/44/17/OUT. In the determination of this application it was stated by the Council's Housing Strategy and Enabling manager that although the mix is not quite in line with the latest evidence from September 2016 and is slightly skewed towards smaller properties the proposed mix is supported.

The design and access statement identifies that the affordable housing will consist of social rented and intermediate ownership which is again considered acceptable.

When details of the proposed layout are submitted for determination at reserved matters stage the LPA will seek the affordable units to be well integrated with the overall development.

The level of affordable housing contribution will be secured via the completed s106 agreement prior to the determination of this application. However, it should be noted that the proposed 27 units may reduce in number should the total provision on the site be lower than that set out in this application.

ECOLOGY AND BIODIVERSITY

The site does not fall within any statutory designated areas. The South Downs National Park is

approximately 2.1km to the north and Climping Beach Site of Special Scientific Interest (SSSI) and West Beach Local Nature Reserve (LNR) are both situated approximately 3km to the southwest of the site. Although not a statutory designation the site is identified as falling within the Climping to Houghton Biodiversity Opportunity Area.

The Preliminary Ecology Appraisal which accompanied the application made a number of recommendations including the retention of as many trees as possible on the site; that tree planting and hedgerow creation should take place along the boundaries of the site; and that the brook along the eastern boundary should be retained as it is an important wildlife corridor and provides habitat for water voles. This report along with the water vole, bat and reptile surveys and mitigation reports have been considered by the Council's Ecology advisor who has raised no objection to the proposed development subject to the inclusion of relevant conditions. Paragraph 109 of the NPPF identifies that development provides the opportunity to contribute and enhance biodiversity and the local environment. The proposed conditions are considered to secure ecological enhancements in accordance with paragraph 118 of the NPPF which states that opportunities to incorporate biodiversity in and around developments should be encouraged.

The proposed development has also been considered by Natural England who have raised no objection having identified that the proposed development will not have significant adverse impacts on designated sites. The proposed development is not considered to have significant effects on the Arun Valley Special Protection Area (SPA) although the site falls within the Impact Risk Zone for foraging habitat for Bewick's swans that form part of the interest of the Arun Valley SPA. However, given the shape of the site, the fact that it falls between the main road and railway line, and the habitats identified in the Preliminary Ecology Appraisal, it is unlikely to be regularly used by Bewick's Swans. Therefore, the site is not considered to be functionally linked to the SPA, and its loss is unlikely to have a significant effect on the SPA.

RENEWABLE ENERGY

Policy ECC SP2 of the emerging Local Plan identifies that major development must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. A condition has been included with this recommendation report requiring the submission of details for approval by the Local Planning Authority as to how this will be achieved on site.

DRAINAGE/FLOODING

The application site is situated primarily within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. However, a portion of the site measuring approximately 0.6ha in the south eastern corner is situated within Flood Zone 2, with a smaller parcel measuring 0.2ha situated within Flood Zone 3. The indicative layout plan provided shows the proposed buildings being located entirely within Flood Zone 1.

The submitted flood risk assessment (FRA) has been considered by the Environment Agency who have raised no objection to the proposal subject to the use of a suitably worded condition to secure the implementation of the flood risk measures identified in the FRA.

A portion of the site measuring approximately 0.6ha is situated within flood zone 2 whilst an area measuring 0.2ha is identified as being flood zone 3. Due to this in accordance with paragraph 101 of the NPPF it is necessary for sequential tests to be undertaken.

A sequential flood risk assessment was submitted to the local planning authority on the 5th June 2017 which identified that there were no other sites more appropriate in terms of flood risk for the proposed development. On the basis of the information submitted it is considered that the sequential test requirements have been met by the applicant.

HIGHWAY CONSIDERATIONS

The proposed development will be accessed by vehicular traffic via a left hand in, left hand out access directly from/to the A259. Highways England have been consulted in relation to the proposed development with no objection being raised.

West Sussex County Council strategic planning have also been consulted and stated that the revised modelling for the A259/B2187 Body Shop Roundabout, which detail sufficient capacity at the junction to accommodate the impacts of the proposed development.

As this application is a resubmission of A/44/17/OUT it has been stated by the Local Highway Authority that their previous comments remain unaltered.

The indicative master plan has been considered by WSCC and the 4 proposed turning heads within the development would provide satisfactory access for emergency vehicles. The proposed parking provision is in accordance with the WSCC parking demand calculator as well as policy GEN12 of the Arun District Local Plan (2003).

Some concerns were raised in relation to the number of visitor parking spaces in the vicinity of dwellings 52-60 but this would be a matter for consideration at reserved matters stage. The transport assessment submitted with the application states that cycle provision will be provided in accordance with WSCC guidance with all spaces sheltered and secured.

With all matters being reserved in this case it is not possible to make an assessment of the impact that the indicative access will have upon highway safety with this matter needing to be considered at reserved matters stage. As such no comments have been provided by WSCC in relation to the indicative access. However, a number of conditions have been proposed by WSCC and these have been included with the recommendation.

RAILWAY LINE

Since the previous refusal under reference A/44/17/OUT the applicant has provided a parameter plan showing the location of the proposed 2m high acoustic fencing to be erected along the southern boundary of the site. Drawing No. 1709-03F shows a 10m sound buffer between the proposed development and railway line and the erection of a 2m high close boarded timber fence designed to provide acoustic screening. The boundary treatment by virtue of its height and siting will provide sufficient protection against trespassing upon the railway line.

It should also be highlighted that the proposed development would see the existing pedestrian crossing close and replaced by a pedestrian footbridge. This will remove an existing uncontrolled and open means of access onto the railway line.

SUMMARY

The undersupply of housing within the area means that there is a compelling need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun District Council in meeting its housing target. Recognising this, the Council resolved (January 2017) to invite planning application submissions on sites identified as deliverable in the HELAA. This is considered to be a sustainable form of development in accordance with the NPPF.

The previous refusal of planning application A/44/17/OUT was on the basis of the lack of suitable access to public transport opportunities and the risk that the railway line posed to the safety of future occupiers.

The distance to the nearest operational bus stop of 570m is deemed to be acceptable and is not

considered prohibitive to its use. However, the applicant has made provision on site of a bus stop and turning area for the introduction of a bus service directly into the site should the existing 'Route 12' service running to Manor Retail Park be found to be viable and retained.

The applicant has also provided a parameter plan showing the location of the proposed 2m high acoustic fencing to be situated along the southern boundary of the site. This fencing will secure the railway line and restrict unauthorised access onto Network Rails land - a condition has been included requiring the submission of details of this fencing for approval by the LPA. It should be noted that with the introduction of the footbridge over the railway line the existing open pedestrian crossing will no longer be in situ further securing an existing uncontrolled means of access onto the railway line.

Therefore, based upon the details submitted it is considered that the previous reasons for refusal have been adequately overcome and as such the application for outline permission (with all matters reserved) is recommended for approval subject to the below conditions.

It is recommended that should the S106 agreement not have been completed within 2 months of the committee meeting on the 15th November 2017 then it is recommended that authority be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Development Control Committee to refuse the application for the failure to provide affordable housing and other infrastructure improvements.

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 in the process of preparation and this will secure the provision of the following contributions;

ADC CONTRIBUTIONS

1. Affordable housing - 30% of dwellings to be provided as affordable units.
 - a. Therefore, for a development of 90 dwellings this would equate to 27 dwellings.
 - b. Tenure split - 22 provided for Affordable Rent and 5 of which will be provided as Intermediate Housing.
2. Open Space -
 - a. Submit to the Council an Open Space Scheme for the Open Space within the Development prior to the Commencement of the development.
3. Play Areas -
 - a. Submit to the Council a Play Area Scheme for the Play Areas within the Housing Phase prior to the Commencement of the development of the Dwellings at the Development.
4. MUGA contribution - Details awaited
5. NHS Contribution -
 - a. Contribution up to a maximum of £92,860 for 90 dwellings (dependent upon mix of dwellinghouses).
 - b. The care home hereby approved will make a contribution of £64,452.Total contribution of £157,312 to the 'The Coppice GP Surgery' for the infrastructure needs of managing GP consultant Health Care.

WSCC CONTRIBUTIONS

1. Footpath improvement contributions - a contribution of £28,000 (index linked) towards improvements to PROW 2159 to make it a convenient walking and cycling route to/from the Railway Bridge, including to scrape and grade the existing surface and lay stone, such as DoT1 which will form a robust year round usable surface for all modes.
2. Library Contribution - a financial contribution which will be calculated at reserved matters stage and paid in instalments towards a project to enhance library space with improved digital access at Angmering Library.
3. Primary School Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of a permanent solution to the temporary accommodation at Georgian Gardens Community Primary School.
4. Secondary Education Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of providing additional facilities at The Angmering School.
5. Further Education Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of additional facilities for further education at The Angmering School Sixth Form.

Please note: A contribution was requested towards the provision of additional smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Angmering. However, it was identified in appeal APP/C3810/V/16/3158261 that this contribution is not directly related to the development or necessary to make the development acceptable in planning terms. Therefore, the requested contribution fails to accord with The Community Infrastructure Levy Regulations 2010, Part 11, Section 122 and as such has not been included in the S106 agreement.

NON-FINANCIAL OBLIGATIONS

1. Not to Occupy or cause or allow to be Occupied more than 50 Dwellings at the Development until an enforceable and binding building contract for the construction of the Care Home has been entered into and a copy produced to the Council or other evidence is produced to the Council which is sufficient to satisfy the Council acting reasonably that a meaningful start has been made to the construction of the Care Home.
2. Retention of land for the provision of 2 no. Gypsy/Traveller pitches for a period of three years from the date of the planning permission being granted.

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;
- (d) Access;
- (e) 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 Application for approval of the reserved matters of the first phase or sub phase of the development shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. Applications for reserved matters for the remaining phases shall be made within 2 years from the date of this permission.

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

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

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

- 4 In conjunction with, the first 'reserved matters' details submitted pursuant to condition 1), there shall be submitted for the written approval of the local planning authority details of phasing for implementation of the development hereby permitted. The development shall thereafter be carried out in accordance with the approved details. Thereafter subsequent applications for approval of 'reserved matters' shall be accompanied by any variations to the approved phasing details to be submitted for written approval of the local planning authority.

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

- 5 The development hereby approved shall be carried out in accordance with the following

approved plan:

· Location Plan - Dwg 1709-01K

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.

- 6 Details permitted pursuant to condition 1 shall include details of the proposed pedestrian connectivity to the eastern boundary of the site. Prior to occupation of the 25th dwelling the pedestrian connection to the eastern boundary of the site shall be completed and the proposed point of connection for pedestrians with the eastern boundary shall thereafter be retained in perpetuity.

Reason: To encourage sustainable travel patterns in accordance with Paragraph 29 of the NPPF.

- 7 No development shall take place for any phase or sub phase of the development within the area indicated 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.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7. This condition must be pre-commencement to prevent irreversible loss and destruction of any archaeological remains on site.

- 8 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, 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.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This condition must be pre-commencement to ensure that adequate drainage is provided for the development.

- 9 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained 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 formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) 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. This condition must be pre-commencement that adequate measures for the discharge of water to prevent flooding are in place.

- 11 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

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: C753 Chapter 32. This condition must be pre-commencement to ensure adequate measures are in place to maintain the SUDS system once implemented.

- 12 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

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: C753 Chapter 32.

- 13 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 14 Development of any phase or sub phase shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the

sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the drainage systems for the site prior to commencing development.

- 15 Prior to occupation of any part of the development hereby approved the railway bridge proposed shall be implemented in accordance with details of construction and design to be submitted to and approved by the Local Planning Authority in consultation with Network Rail and West Sussex County Council.

Reason: To ensure that the proposed development benefits from appropriate and safe access to services and facilities located to the south of the railway line in accordance with Policy GEN7(vi) of the Arun District Local Plan and the NPPF.

- 16 No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority at 'reserved matters' stage.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. To ensure adequate access arrangements are in place whilst development is ongoing.

- 17 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority at 'reserved matters' stage. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use and in the interests of amenity in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the NPPF.

- 18 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority at 'reserved matters' stage.

Reason: To provide alternative travel options to the use of the car in accordance with the NPPF.

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

Reason: To encourage and promote sustainable transport in accordance with the NPPF.

- 20 Occupation of any phase or sub phase shall not begin until a scheme for protecting the proposed dwellings from noise from the A259 and railway line which flank each side of the proposed site have been submitted in writing and approved by the Local Planning Authority. This scheme shall include details and location of any acoustic wall and/or fencing designed to protect amenity spaces and also window specification and ventilation requirements in order to achieve a suitable acoustic environment in line with BS 8233:2014 and World Health Organisation guidelines 1999. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied, unless an alternative

period is agreed in writing by the Authority.

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

- 21 No development of any phase or sub phase shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, the Local Planning Authority. All relevant precautions shall be taken to minimise potential disturbance to neighbouring residents, particularly those to the south of the railway line in respect to noise, vibration and dust. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for :

- a. An indicative programme for carrying out the works
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors
- f. Loading and unloading of plant and materials
- g. Storage of plant and materials used in construction and development
- h. Wheel washing facilities
- i. Measures to control the emission of dust and dirt during construction

Hours of operation of all plant and machinery and deliveries to/from the site to be limited to 07:00 - 18:00hours Monday to Friday; 08:00 to 13:00 hours on Saturdays and not at all on Public or Bank Holidays unless otherwise agreed with the local Authority.

The Construction Management Plan shall also incorporate details of environmental enhancements on site. This should include;

- Wildlife corridor established along the southern boundary of the site
- Any trees removed should be replaced at a ratio of 2:1
- Wildlife pond
- Wildflower meadow
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles
- Log piles onsite.

Reason: In the interests of amenity in accordance with policy GEN7 and GEN29 of the Arun District Local Plan. It is considered that this condition must be pre-commencement to minimise disturbance to neighbours and detrimental impacts to the biodiversity on site.

- 22 No lighting shall be installed on any phase or sub phase until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The external lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for External Lighting Installations, Zone 3.

The scheme should also minimise potential impacts to any bats using the trees, hedgerows

and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

23 Development on site shall be carried out in strict accordance with the;

- 'Bat Survey and Mitigation Plan - May 2017'
- 'Water Vole Mitigation Strategy and Method Statement - May 2017'
- 'Reptile Survey - May 2017'

or any subsequent revised mitigation strategy or method statement approved in writing by the Local Planning Authority.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

24 Prior to the commencement of any phase or sub phase details shall be submitted providing clarification as to how the existing hedgerows on site will be enhanced for use by bats. This shall include details of a buffer strip around the hedgerows measuring 5m in width and details of fencing to be used during construction to ensure that this area is undisturbed. Details shall also be provided of additional planting to infill gaps in the existing hedgerow using native hedge species to improve connectivity and where any hedgerow is to be removed, details of a replacement hedgerow shall be provided.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered that this condition must be pre-commencement to prevent harm to the sites biodiversity.

25 Prior to commencement of any phase or sub phase a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced and submitted to the Local Planning Authority for approval.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

26 Prior to occupation of any phase or sub phase a Landscape Management Plan (LEMP) shall be submitted and approved by the Local Planning Authority providing details for the on-going management and aftercare of the site once construction is completed.

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

27 Prior to demolition or construction works being carried out on site a detailed Arboricultural Method Statement Report & Tree Protection Plan shall be submitted to and approved by the Local Planning Authority for each phase or sub phase of development. This report should be prepared by a qualified and experienced arboricultural consultant and all demolition and construction works shall be carried out in accordance with the details approved.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect

and appropriate levels of protection such that their on-going health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 28 Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan.

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.
- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their on-going health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. It is considered necessary for this condition to be pre-commencement to ensure that the trees on site are adequately protected during construction.

- 29 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

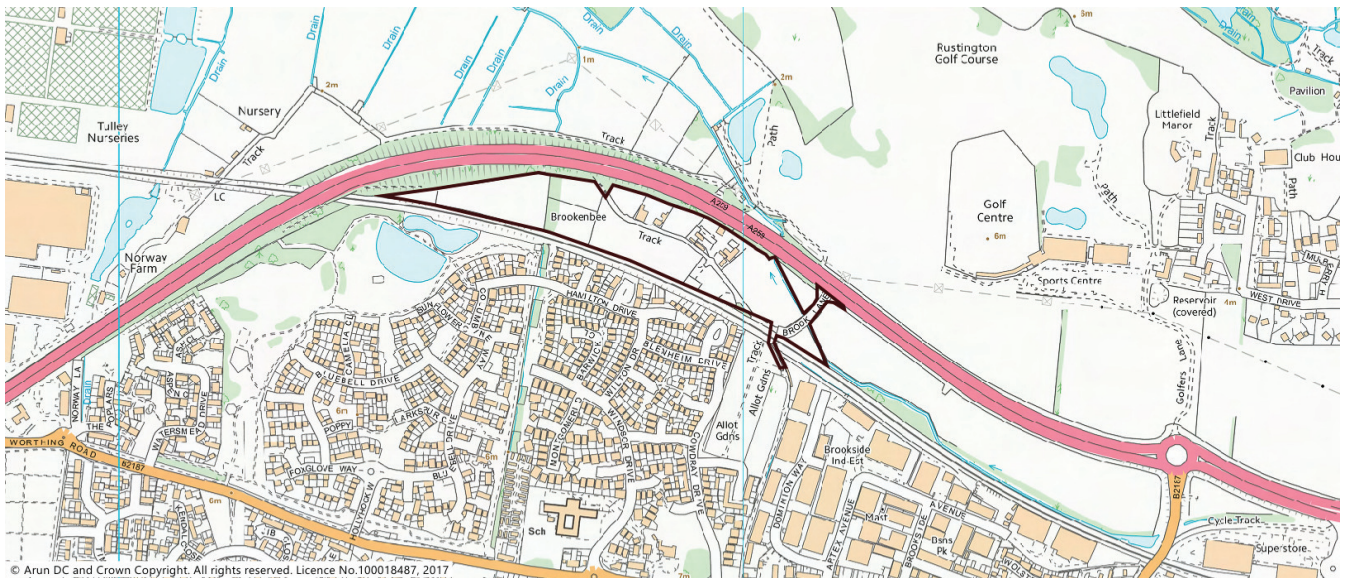
Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

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

- 31 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 32 INFORMATIVE: A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 33 INFORMATIVE: The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
- 34 INFORMATIVE: Network Rail strongly recommends the developer contacts assetprotectionsussex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with them to enable approval of details works. More information can also be obtained from their website www.networkrail.co.uk/aspx/1538.aspx
- 35 INFORMATIVE: The proposed balancing pond location is occupying land that floods and also the overland flow route transfers surface water/land drainage flows from the developments/land south of the railway line via the railway culvert, then across the land in question and into the culvert beneath the A259. The applicant is urged to discuss this matter with the Council's Drainage Engineers.
- 36 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

A/169/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement
 This instruction also gives authority and acts as a heads of terms & a completion statement

Planning Application Ref: A/169/17/OUT	Today's date: 26/10/2017
Date of Agreement (or original deed/agreement if variation/supplemental):	
Completed Deed relating to:	Seal Register Number: (to be inserted by Legal)
Legal Ref:	Statement completed by: D. Easton
Delegated authority: (please sign)	Please refer to instructions on SharePoint regarding authority. If the signing authority is from a committee decision, please attach the relevant committee minutes to this form as evidence.
<p style="text-align: center;">Full name of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which can be attached as well)</p>	<p>STORE PROPERTY INVESTMENTS LIMITED (Company No. 00549704) whose registered office is at Farr House, 4 New Park Road, Chichester, West Sussex, PO19 7XA ("Applicant"); and</p> <p>CAROLE CRIPPS of Brookenbee Cottage, Brook Lane, Rustington, West Sussex, BN16 3JL ("First Owner").</p> <p>HERBERT KRALL of Brookenbee Cottage, Brook Lane, Rustington, West Sussex, BN16 3JL ("Second Owner")</p> <p>COVENTRY BUILDING SOCIETY of Economic House, P.O. Box 9, High Street, Coventry CV1 5QN ("First Mortgagee")</p> <p>AVIVA COMMERCIAL FINANCE LIMITED (Company No. 02559391) of Sentinel House, 37 Surrey Street, Norwich, NR1 3UY ("Second Mortgagee")</p>

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

Please attach a plan with the site outlined in red and complete a brief description of the development:

Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90 No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping.

This table sets out the Heads of Terms for the S106 Agreement, Deed of Variation or Supplemental Agreement (amend as appropriate)

Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/ project	5% or £15,000 for related projects	Spend by restriction
Affordable housing	Occupation of more than 30 of the Market Units at the Development prior to a contract or contracts for the transfer of the Affordable Housing in the Development to an Affordable Housing Provider or Providers and 15 Affordable	30% of the total number of dwellings created. So for the indicative 90 unit scheme this would equate to 27 affordable units. 22 Affordable rent and 5 intermediate housing.	Cascade agreement: Option 1: Onsite delivery Option2: Onsite Delivery to a different provider. Option 3: Commuted sum		N/A	

PL10 – S106 Instruction Form and Completion Statement

Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

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	<p>Dwellings have been constructed and made available for Occupation.</p> <p>Occupation of more than 45 of the Market Units at the Development prior to a contract or contracts for the transfer of all the Affordable Housing in the Development to an Affordable Housing Provider or Providers and all the Affordable Dwellings have been constructed and made available for Occupation.</p>					
NHS Contribution	Prior to first occupation.	<p>a. Contribution up to a maximum of £92,860 for 90 dwellings (dependent upon mix of dwellinghouses).</p> <p>b. The care home hereby approved will make a contribution of £64,452.</p> <p>Total contribution of £157,312 to the</p>	ADC	'The Coppice GP Surgery' for the infrastructure needs of managing GP consultant Health Care.	N/A	Ten (10) years of the date of receipt of final instalment of the Care Home NHS Contribution and/ or the Residential NHS Contribution
MUGA contribution	50% of the MUGA Contribution prior to the occupation of the	£40,000	ADC	Palmer Road recreation ground –	N/A	Ten (10) years of the date of

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	25 th dwelling and 50% of the MUGA Contribution prior to the occupation of the 50 th dwelling.			towards providing rebound fencing for an existing kick about area (MUGA).		receipt of final instalment of the MUGA Contribution
Footpath improvement contribution	Prior to first occupation.	£28,000 index linked.	WSCC.	improvements to PROW 2159 to make it a convenient walking and cycling route to/from the Railway Bridge, including to scrape and grade the existing surface and lay stone, such as DoT1 which will form a robust year round usable surface for all modes.	N/A	Ten (10) years of the date of receipt of the Footpath Improvement Contribution
Library Contribution	50% of contribution on or before occupation of first market unit, remaining 50% on or before occupation of the 25 th market unit.	To be calculated for each residential phase using the following formula: $L/1000 \times AP =$ Library Contribution	Calculated at reserved matter stage and paid to WSCC.	Contribution towards a project to enhance library space with improved digital access at Angmering Library	N/A	Ten (10) years of the date of receipt of the final instalment of the Library Contribution
Primary School Contribution	50% of contribution on or before occupation of first market unit,	To be calculated using the following formula:	Calculated at reserved matter stage and paid to	A contribution towards the cost of a permanent	N/A	Ten (10) years of the date of

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	remaining 50% on or before occupation of the 25 th market unit.	DfE Figure x ACP = Primary Education Contribution	WSCC.	solution to the temporary accommodation at Georgian Gardens Community Primary School.		receipt of the final instalment of the Primary Education Contribution
Secondary School Contribution	50% of contribution on or before occupation of first market unit, remaining 50% on or before occupation of the 25 th market unit.	To be calculated using the following formula: DfE Figure x ACP = Secondary Education Contribution	Calculated at reserved matter stage and paid to WSCC.	A contribution towards the cost of providing additional facilities at The Angmering School	N/A	Ten (10) years of the date of receipt of the final instalment of the Secondary Education Contribution
Further Education Contribution	50% of contribution on or before occupation of first market unit, remaining 50% on or before occupation of the 25 th market unit.	To be calculated using the following formula: DfE Figure x ACP = Further Education Contribution	Calculated at reserved matter stage and paid to WSCC.	A contribution towards the cost of additional facilities for further education at The Angmering School sixth form	N/A	Ten (10) years of the date of receipt of the final instalment of the Further Education Contribution
Open Space	Prior to commencement of development of any dwelling.	Submit to the Council an Open Space Scheme for the Open Space	ADC	On site delivery. Commuted sum payments to ADC if open space to be maintained by the LPA.	N/A	
Play Areas	Prior to commencement of development of any	Submit to the Council a Play Area Scheme for the Play	ADC	On site delivery. Commuted sum	N/A	

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	dwelling.	Areas within the Housing Phase		payments to ADC if play area to be maintained by the LPA.		

NON-FINANCIAL Obligation Summary		
Not to Occupy or cause or allow to be Occupied more than 50 Dwellings at the Development until an enforceable and binding building contract for the construction of the Care Home has been entered into and a copy produced to the Council or other evidence is produced to the Council which is sufficient to satisfy the Council acting reasonably that a meaningful start has been made to the construction of the Care Home.	ADC	Arun District Council – Planning Department
Retention of land for the provision of 2 no. Gypsy/Traveller pitches for a period of three years from the date of the planning permission being granted.	ADC	Arun District Council – Planning Department
Other Comments:		

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PLANNING APPLICATION REPORT

REF NO: EP/69/17/PL

LOCATION: 60 Vermont Drive
East Preston
BN16 1LG

PROPOSAL: Construction of 1 No. dwelling (C3) to rear of existing property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the construction of 1 no. detached bungalow to the rear of 60 Vermont Drive.
SITE AREA	0.09 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with the side boundary forward of the primary elevation consisting of a 0.2m high brick wall to the south of the existing driveway. The rear and side boundaries of the site consist of mature and overgrown planting and close boarded fencing to a height of approximately 1.8m.
SITE CHARACTERISTICS	The application site is currently occupied by a detached bungalow and garage. The property is constructed from brick, render and uPVC cladding with a tiled roof. The existing garage is situated to the north of the property with an access drive and block paving forward of the primary elevation. During my site visit the rear garden of 60 Vermont Drive was overgrown and unkept.
CHARACTER OF LOCALITY	The area is part of a residential cul-de-sac comprising a uniform character with detached single storey bungalows set in medium sized plots. The properties are set back from the highway with gardens to front, side and rear all within an urban environment.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council
East Preston Parish Council
Objection.

Consultation Response 15th June 2017;

- Proposal is contrary to Policy 1 of the East Preston Neighbourhood Plan.
- Proposal is contrary to Policy 2 of the East Preston Neighbourhood Plan.
- Proposal is contrary to Paragraph 17 of the NPPF.
- Proposal is contrary to Policy GEN7 of the Arun District Local Plan.
- Proposal is out-of-keeping with the surrounding residential properties.
- Vehicles will emit exhaust fumes over the fence into the back garden of 58 Vermont Drive.
- Increased vehicular movements will be dangerous to local residents.
- Proposal will result in destruction of wildlife habitat.

Consultation response 15th August 2017;

- The proposal is wholly out-of-keeping with the character of the area and an inappropriate development on garden land.

57 letters of objection received from 32 individuals and 29 separate addresses:

DESIGN AND VISUAL AMENITY

- Our bungalow is in Band E for Council Tax and don't see why we should have to put up with a very large development being shoehorned into this small plot of land adjoining my property.
- The proposal represents overdevelopment of the site in a residential area.
- The proposal is not in keeping with the existing character of the area.
- Is not in keeping with the adjacent bungalows.
- Any loss of garden space would be detrimental to the special features of this particular area.
- Vermont Drive is uniform in appearance featuring detached bungalows with separate drives and large gardens are very characteristic of the area.
- This proposal is an unsatisfactory form of backland development and inappropriate infilling.
- PPS3 excluded gardens from the category of previously developed land, specifically to protect gardens from inappropriate development. The revisions to PPS3 seeks to achieve development that integrates with and is in character with its surround area.
- The proposal by virtue of its shared driveway and lack of a proper frontage to the street scene, fails to integrate with the established character of the area.
- Proposal would result in smaller cramped plots harmful to the character and appearance of this area contrary to the aims of PPS3.
- Proposal would be detrimental to the character and appearance of the area contrary to policy GEN7 of the Arun District Local Plan.
- Proposal would conflict with the East Preston Village Design Statement.
- The height of the bungalow exceeds the height of any other surrounding bungalows.
- The proposal by virtue of its design conflicts with Character Area 1 and 2 of the East Preston Neighbourhood Plan.
- The proposed alterations to number 60 would be out of character with the other bungalows in the close.
- The proposal does not fit into the pattern of the existing street scene.
- The proposal would conflict with Policy 1 of the East Preston Neighbourhood Plan because the height, landscape design and layout would not reflect and enhance the architectural and historic character and scale of the surrounding buildings.
- Bungalows in the close have a gross internal floor area of approximately 77m², the new property will have an internal floor area of 130m² nearly twice the size of existing properties within the close.

- A large garden is not unrepresentative of the areas tranquil and calm environment.
- Although the redesign is much more in keeping with the adjacent bungalows I do think the development is pushing the bounds of infilling too far.
- The access, position and size of the plot do not make it a suitable infill site.
- Despite amendments the proposal is still overdevelopment of the site.
- I will not be able to see the new extension from my home but I can imagine it will affect my neighbours who will be able to see the new building at the bottom of their gardens.
- The proposal will be out of place in the area, appear isolated in someone's back garden and does not present well.
- The materials used in the construction and the arrangement are the same as the existing materials adopted in the bungalows positioned within the Cul-de-sac element of Vermont Drive so that the properties appear consistent.
- The alteration in the design has not reduced the impact of this development upon the visual amenity of the locality.
- The amended scheme is out of character with existing properties.
- The proposal is contrary to national planning policies as it does not improve the visual amenities of the locality.
- The proposed dwelling does not integrate and complement neighbouring buildings in terms of appearance, scale, layout and access.
- The proposed development should be self-screening not relying on existing boundary planting.
- How will the 1.8m high fencing and shrub/hedging measuring 1.2m screen a building with a ridge height of 4.2m and a eaves height of 2.2m.
- East Preston does not need this urban style infilling.
- If approved, this development will represent an overdevelopment of the site resulting in an appearance that is unduly cramped and out of character with its surroundings.
- The proposed materials are not the same as the existing bungalows in the cul-de-sac and the proposal will appear out of place.
- There is insufficient detail as to where the proposed front door of 60 Vermont Drive will be located - its re-location will adversely impact upon the character of the area.

HIGHWAYS, ACCESS AND PARKING

- Not one of the drives in our cul-de-sac has a straight run onto the road; all of our drives have a dogleg, making it difficult to reverse at the best of times.
- The access is only 2.5m from my front door, it is totally unacceptable to have an access driveway with cars driving past my bungalow.
- Restricted access.
- Inadequate parking. The proposal is larger in floor area than is recommended for 5 persons. Thus the parking is totally inadequate and will lead to parking difficulties in Vermont Drive.
- Access will detrimentally impinge on no. 68 Vermont Drive during construction of proposal and thereafter.
- No. 60 will lose a garage and an area of garden. Where will no. 60s cars be parked?
- Contractors and delivery vehicles would block the road during construction.
- There are concerns as to how fire engines and ambulances will access the proposed bungalow.
- The dwelling is not self-contained with it being accessed from the drive of 60 Vermont Drive.
- There is scope to park numerous cars in the combined properties with consequent noise, pollution and danger.
- Parking, turning and loading in what is a very restricted area in a small close.
- We are not happy with the close proximity of access to the new proposed property and potential damage to driveway and semi-detached garage.
- The proposal results in the loss of a garage.
- At its narrowest point the driveway will measure approximately 2.5m in width. This is not sufficient for

safe passage of a car and pedestrian from different properties.

- A car will have to trespass on the driveway of 62 Vermont Drive.
- The submitted drawings do not show the steps or pipes on the side elevation of 60 Vermont Drive suggesting the 3.5m dimension of the driveway is exaggerated.
- If the Council approve this application may I request that a construction management condition is imposed.
- The driveway at its narrowest point is 2.5m in width and I have safety concerns for my 4 grandchildren as there is no wall between the driveways and vehicles will be passing through rather than just parking.
- The access has not been thought out as vehicles will be passing within a few inches of the front door of 60 Vermont Drive.
- 1 extra dwelling will have a serious impact upon congestion in 60 Vermont Drive.
- How will emergency vehicles access the site through the proposed narrow access drive.
- The local infrastructure is rapidly beginning to show the signs of overcrowding with traffic jams and long queues at the level crossing and shopping areas.
- The width of the driveway is 2.5m not 3.5m.
- The road surface would suffer extensive damage due to vehicles constantly using the drive.
- The amendment of the proposal has not reduced the parking provision or the size of the driveway.
- The access will be unsafe and will not allow a car and a pedestrian to safely access the new or existing dwelling in conflict with policy GEN7(vii) of the Arun District Local Plan.
- Use of the driveway at 62 Vermont Drive would be adversely impacted by construction vehicles access the site.
- This project should be discussed with the Health and Safety Executive and West Sussex County Council.
- How will emergency vehicles rapidly access the new dwelling through the narrow driveway?
- The proposed 40 metre driveway to the new bungalow and its three car carpark passes only 2.5 metres from the front door of number 62 Vermont Drive. Is this not dangerous?
- Recent correspondence between the developer and the Council mentions moving the front door of number 60 Vermont Drive to the front of this house. This does not remove the exposure of number 62 to traffic in and out of the new bungalow.
- On-road parking is severely limited in Vermont Drive - one car per dwelling. Apart from problems of congestion there is again a potential risk for emergency access.
- Have the fire brigade/ambulance service inspected the site to assess the risk?
- I still believe there is a risk to the occupants in number 62 from the proposed long driveway with its attached car park. How do we know that the new bungalow owner of 60 will not run a second hand car dealership from the parking lot? In any case the occupants of number 62 will certainly be disturbed by traffic flow on this uninvited new driveway again impacting adversely on their residential amenity.
- There will be severe congestion and problems caused by the limited, confined parking in the close both during the construction and after.
- Proposed access will fail to accord with Approved Document B Volume 1 Section 3.5 by virtue of the driveways width.
- Proposed access will by virtue of its width fail to accord with Manual for Streets.

RESIDENTIAL AMENITY

- Two of the families living within the cul-de-sac are elderly and the constant noise and disruption would have a negative impact on their lives.
- Noise, dirt and general irritation during period of building.
- The driveway will run behind my back garden causing noise and disturbance and car fumes from cars going to and from the parking bays.
- There will be increased traffic, noise and pollution for other local residents.
- Loss of privacy and amenity for other neighbouring houses, particularly in South View.
- Proposal will give rise to a loss of privacy and will give rise to a loss of light/overshadowing creating an oppressive environment.

- The height of the roof would allow for the conversion of the loft giving rise to greater harm.
- The proposed bungalow would create a cramped and claustrophobic experience.
- The proposed development conflicts with Paragraph 17 of the NPPF.
- The location of the proposed new bungalow at the bottom of the garden of number 60 maximises the potential for loss of privacy and disturbance to the residents of Vermont Drive, Golden Avenue, Southway and Upper Drive.
- Existing properties would be the subject of overlooking.
- There would be constant daily deliveries whilst the development was being carried out resulting in many months of dust, noise and inconvenience.
- The area would become a building site for many months.
- The proposed access where it runs to the side of 60 Vermont Drive will give rise to noise and exhaust fumes when vehicles pass windows.
- The proposed bungalow would have an overbearing impact and loss of privacy on neighbours.
- Development will be detrimental to the privacy of neighbours.
- The proximity of the new development to my property (68 Vermont Drive).
- The proposed driveway will give rise to pollution in my garden.
- The proposal may overlook my property resulting in a loss of privacy.
- The existing front door opens onto the driveway which is dangerous for future occupiers.
- The proposal will create an unacceptable volume of traffic into the hitherto peaceful rear gardens of the surrounding houses.
- The height of the proposed roof will be in excess of some of those of the neighbouring properties creating overshadowing.
- Proposed development will conflict with policy GEN7(iv) of the Arun District Local Plan.
- The proposed dwelling despite its slightly reduced size would create an overbearing impact on neighbours.
- The parking of cars and movement of vehicles to the three car parking lot and drive way would be unneighbourly, polluting and noisy.
- It is unclear if the trees proposed will block the sunlight of neighbours.
- Reducing the size of the proposed bungalow does not lessen the impact of air pollution, noise pollution, exhaust fumes, flood risk, traffic nuisance, overbearing impact and loss of privacy to its neighbours.
- The comments of Environmental Health were very brief given 13 letters of representation raised concerns in relation to noise and pollution.
- The proposed three car, car-park is situated next to the fence border with 58 Vermont Drive's garden. This is unneighbourly, noisy, polluting and totally antisocial.
- The totally unnecessary construction of the new 2 bedroom bungalow will have a huge impact on the present residents of the close for nine to twelve months.
- The proposed new dwelling is 4.2 metres high x 13.2m (long) x 7.2m (wide) - this will hardly be of insignificant impact. On several of its neighbouring properties there is only a distance of 2 metres from the structure to their borders. This has an adverse impact on their quiet enjoyment of their property. The other bordering properties also will suffer from the noise and visual impact of this unnecessary large structure.
- The adverse impact visually and residentially on number 58 is huge. The bungalow structure runs 7 metres within about two metres of their garden. The three car plus, car- park runs immediately on their boundary.
- The construction of the new bungalow and its access drive and parking area will be hugely disruptive.
- Relocation of the front door would cause considerable disturbance to the residents of No. 58 when the door is being closed and people are arriving and leaving.

DRAINAGE

- Water pressure is not great to the properties, and with the construction of another dwelling this would further reduce.
- The foul and surface water drainage system in the centre of the close would need to be excavated with

additional drainage connections and pipework to the new dwelling.

- There have been problems in the past with the drainage system not coping with the present needs of the existing properties on the close.
- South View is an area with poor drainage due to the high water table. Any development in the area will add to this problem, particularly if hard landscaping is incorporated.
- Existing drainage of the road is via soakaway which will struggle to cope with an additional property.
- The previous occupant of 60 Vermont Drive filled in a ditch in the back garden which is a tributary of the River Rife, additional building could potentially lead to flooding to the new property.
- We have in the past had some flooding issues in the cul-de-sac, no property was flooded but it was very close, covering more ground with concrete will increase the risk.
- The proposed dwelling would have an adverse effect on the small brook that runs to the rear of the property.
- How will the new development with its long paved drive and construction of house and parking lot self-drain?

OTHER

- The approval of this planning application would establish a precedent for similar development elsewhere in East Preston.
- No bird survey has been carried out. There are lots of birds in the area which would suggest there must be nests in surrounding trees and hedges.
- Proposed dwelling will lead to increased pressure on local services and amenities.
- Bats were frequently sighted in this area but their numbers have diminished since the apple tree was cut down. We know there are hedgehog colonies living in the overgrown garden. Has there been a conservation survey carried out?
- This is a garden not a building site.
- No overall dimensions for the new development.
- If the application is approved may I request that a condition is imposed requiring all bins to be stored within the rear garden except when collection is required.
- Could a condition please be imposed limiting any sheds to a maximum size of 6' by 4'6 so that the green area is not reduced further.
- Condition should be included to secure the new external appearance of the garage at 62 Vermont Drive to ensure it is in keeping with the character of the area. This should also be secured as a pre-commencement condition.
- I would like to see plans on how 60 Vermont Drive will be modified to allow access.
- Eight dwellings will be affected by the proposed development.
- No detail has been provided in relation to the works to be undertaken to the garage of 62 Vermont Drive.
- A government news release published on the 9th June 2010 titled "New powers to prevent unwanted 'garden grabbing'." was submitted to the LPA - full article available from <https://www.gov.uk/government/news/new-powers-to-prevent-unwanted-garden-grabbing> - specific reference was made to point 9.
- Proposed development poses a risk to health and safety of existing residents.
- Tree covered by a Tree Preservation Order (TPO) have been cut down and removed.
- Nobody has provided a method statement showing how the builder would protect residents from injury during construction.
- Has the Council now changed its policy to permit this type of high impact back garden development? Will all such similar developments be given the green light in the future?
- There is mention of changes to the existing bungalow at No 60. We would like details and ask do they have to meet building regulations and if planning permission is required?

NON-MATERIAL OBJECTIONS:

- The road is un-adopted and not in the best of condition and all this additional traffic would cause

considerable damage to an already poor surface.

- It appears that the owner of No. 60 lives in another property, so he is not going to be affected by the noise and disruption that would take place if this planning application was granted. I can only surmise that his motive to purchase No 62 and convert part of the rear garden into a second dwelling is for profit.
- When these Bungalows were constructed, in 1966, the plans did not include for additional dwellings in place of the back gardens.
- The developer bought the bungalow for the sole purpose of profit and not to reside in the property.
- After he purchased the property he immediately cut down the established apple trees and cleared the garden of all shrubbery.
- The developer has never consulted me as to his intentions until the planning application alerted me to the fact.
- The plan to knock down the semi-detached garages is also unacceptable as the joining wall is not of weather proof bricks.
- The water run-off from the existing garages goes into a soak away in 60 Vermont Drive, which I have just discovered has been disconnected and the run off from the gutter is running down the rear wall of the garages which will inevitably result in dampness to my garage unless the pipework is reconnected shortly.
- The maintenance of the private access road is the responsibility of the current seven bungalows. The road is in very poor repair and will not withstand the additional traffic to support the new dwelling not to mention a year of building traffic. My neighbours are elderly and cannot afford such expense as we share the cost at a rate of one seventh.
- The impact of the new building on our view.
- The effect on the value of our property is of great concern.
- To have a new build in such an established area and in such close proximity to neighbours would never have been foreseen and is unbelievable.
- We would have expected that the duty of the Council should have been to advise all neighbouring properties by individual notice rather than we having to discover it from an awkwardly positioned public notice.
- One of the important factors to us buying our home was the fact that no property was in close proximity to us. We are very saddened to learn that a new property is being considered to be built at the bottom of our garden.
- Loss of views would adversely impact upon the residential amenity of neighbouring owners.
- The removal/demolition of the garage to No 62 would mean the adjoining semi-detached garage to No 60 having major alterations to its structure.
- I believe that any vehicles accessing the rear of the property would result in cars crossing the boundary between 60 and 62 Vermont Drive causing problems between neighbours.
- There are several similar bungalows for sale or unoccupied in close proximity to the application site.
- At a meeting of East Preston Parish Council Planning we believe that the developer in addition to the relocation of the front door to no. 60 and removal of the garage was also considering altering the corner structure of the existing bungalow.
- There has been no approach by the owner of no. 60 Vermont Drive to discuss the proposal.
- The owner has not maintained the garden since he purchased the property.
- There are numerous green field sites in this area being developed for residential use.
- The proposal may encroach on my outlook from my garden.
- There have been previous cases where garages have been converted to living accommodation and subsequently the remaining garden space has been converted to house multiple out-building making the whole space feel cluttered and visually untidy.
- The applicant cleared trees from the garden prior to making the planning application.
- Rubbish collection from the rear property would be challenging and when bins are put out for collection it will create conflict between the two dwellings and the use of the driveway.
- South View, Upper Drive and Golden Acre are peaceful and spacious environments which prospective purchasers are prepared to pay a premium to reside in and enjoy the benefits therefrom.

- The developer intends to knock down his garage which is attached to mine and I will not allow him to modify my garage.
- I object as I do not like people developing back gardens.
- With 8 common boundaries to 60 Vermont Drive who will be responsible for their upkeep.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be considered in the conclusion to this report, with the exception of non-material objections which are not issues to consider in the determination of planning applications.

CONSULTATIONS

WSCC Strategic Planning
 Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER

Full comments available on the Arun District Council website - standard informative requested.

WSCC

Comments received 06/06/2017

- The existing hardstanding fronting the existing property is sufficient in depth and width to accommodate one car off street. Furthermore, three additional off street spaces are proposed to the rear. The site plan indicates approximately 6 metre space rear of these to allow for a turn on site. The Local Highway Authority (LHA) would advise that the spaces remain unallocated between the two dwellings in order to provide sufficient parking provision.
- The LHA do not anticipate that a 'severe' residual impact on the nearby publically maintained highway will result from the proposals and there are no highway safety grounds to resist the proposal.
- If the LPA are minded to approve the application we would advise that conditions securing parking/turning and bicycle storage are included.

Comments received 31/07/2017

- The Local Highway Authority (LHA) advised previously that this section of Vermont Drive is not maintained at the public expense and therefore comments are for advice only.

Comments received 25.10.2017

- Considering the amount of vehicle movements anticipated from a single additional dwelling we would not raise a concern to a shared surface driveway (i.e. no separate footway for pedestrians).
- Manual for Streets paragraph 7.2.14 advises that shared surface streets work well in short lengths (i.e. when they form cul-de-sacs), where the volume of motor traffic is below 100 vehicles per hour and where parking is controlled or it takes place in designated areas.
- As previously stated this section of Vermont Drive is privately maintained therefore our comments would be considered advice only with emphasis on impact of nearby publically maintained highway to which a small scale proposal of this nature is not anticipated to cause a 'severe' residual impact on the safe operation of.

ENGINEERS (DRAINAGE)

- Please apply standard conditions ENGD4A and ENGD6A.
- The applicant may have a riparian responsibility for the ditch adjacent the property, which may also be piped in part. The applicant is advised to discuss the proposal and maintenance responsibilities with the Councils Engineers. The landscaping scheme and potential boundary fencing should not be detrimental to the landowners future access to undertake maintenance to the ditch/pipe.

ENVIRONMENTAL HEALTH

- Whilst I can see that the access is narrow and close to the existing bungalow as it only serves a single two bedroom bungalow I would not anticipate that it would cause an adverse impact on the existing bungalow and therefore EH have no objection to this application.
- Should the application be approved I would request that the restriction is placed on the construction hours so that no construction shall take place except between the hours of 08.00 - 18.00 Monday to Friday, 08.00 - 12.00 Saturdays and none on Sundays or Bank Holidays.

Additional comments received 25.10.17:

- Many of those matters detailed as objections to the proposed development relate to the health and safety of residents during the construction phase. This has been dealt with by Mrs Appleton's response to Mr Young, 2nd October 2017, which refers these matters for consideration by the appropriate Enforcing Authorities, the Health and Safety Executive and West Sussex County Council Highways Authority.
- We consider the likely increase in pollution levels due to vehicle movement to be negligible for a development of this size.
- Hours of operation for the site undergoing construction/demolition have been prescribed as 8:00 to 18:00hrs Monday to Friday and 8:00 to 12:00hrs on any Saturday; with no associated works to be permitted on a Sunday, Public or Bank Holiday.
- To this I would add the requirement for a site Construction Management Plan which would also deal with that matter of possible mud on roads.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

In response to the Environmental Health comments dated the 25.10.2017 and the inclusion of a Construction Management Plan it must be considered that the details required should be proportionate to the scale of the development proposed. This matter will be considered further in the conclusion to this report.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

- | | |
|------|-----------------------------|
| GEN2 | Built-up Area Boundary |
| GEN7 | The Form of New Development |

[Publication Version of the Local Plan \(October 2014\):](#)

- | | |
|-------|------------------------------------|
| D DM1 | Aspects of Form and Design Quality |
| D DM2 | Internal Space Standards |
| D DM3 | External Space Standards |

D SP1 Design

SD SP2 Built -Up Area Boundary

[East Preston Neighbourhood Plan 2014 Policy 1](#)

Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 3

Design in Character Area Two

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination into the proposed Plan modifications took place in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less

than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The East Preston Neighbourhood Plan has been made and policies 1 and 3 are considered relevant to the determination of this application.

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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

This application was originally intended to be presented at Development Control Committee on the 18th October 2017. However, due to the significant number of comments submitted following the preparation of the recommendation report, it was considered that the application should be deferred to allow these comments to be considered in detail and dealt with as part of the recommendation report.

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies in the determination of this application are considered to be GEN7 of the Arun District Local Plan; Policy 1, 2 and 3 of the East Preston Neighbourhood Plan (EPNP); and the National Planning Policy Framework (NPPF).

A number of letters of objection received have made reference to PPS3 and 'garden grabbing'. However, PPS3 and the Letter to Chief Planning Officers: New powers for local authorities to stop 'garden-grabbing' (15 June 2010) have both been superseded by the NPPF as confirmed by Annexe 3. Therefore, these documents are not material considerations in the determination of this application.

DESIGN AND VISUAL AMENITY

It is considered that the proposed dwelling by virtue of its design will appear in keeping with the established character of Vermont Drive. The proposed bungalow will be of a similar design and style to

those surrounding it.

The proposed dwelling will be situated to the rear of 60 Vermont Drive and will be accessed via a driveway located to the north of the existing dwellinghouse. The locality is characterised by detached bungalows set in medium plots which front the highway. The proposed dwelling by virtue of its siting is not considered to conform to the established character of the locality in this respect. However, the proposed development will be situated to the rear of 60 Vermont Drive and by virtue of its location, design and height it is considered that the proposed dwelling will not have a significant or unacceptably adverse impact upon any public views of the site.

Vermont Drive is situated within Character Area Two as identified within the EPNP which seeks to maintain a low building height (not exceeding 1.5 storey) and to ensure that the basic form of the roof is not altered. The proposed development by virtue of its single storey construction and design is therefore considered to accord with Policy 3(i) and (ii) of EPNP.

It has been identified in letters of representation that the application site abuts dwellings falling within Character Area One (Policy 2 of the EPNP). However, as the application does not fall within Character Area One the requirements of Policy 2 of the EPNP cannot be applied to this development.

It is considered that the proposed bungalow subject to appropriate materials being used in its construction (to be approved via condition) will be in accordance with policies 1 and 3 of the EPNP.

In terms of the design of the proposal whilst it is considered to be out of character in terms of its location when taking a birds eye view of the site, the impact of the development on the character of the street scene is considered to be acceptable. The rear garden of 60 Vermont Drive measures approximately 50m in depth which is larger than those of neighbouring properties within Vermont Drive. The proposed development will be at a density of approximately 22 dwellings per hectare (dph). Vermont Drive (excluding the application site) is constructed at a density of 20.5dph - therefore, it is considered that the density of the proposed development is not significantly higher and will not have an unacceptably adverse impact upon the established character of the locality and as such is deemed to accord with policy GEN7 (ii) of the Arun District Local Plan.

The garden of the proposed dwelling as well as that retained by 60 Vermont Drive will accord with the external space standards as specified within Policy D DM3 of the emerging Arun District Local Plan. Whilst, the garden for 60 Vermont Drive will be significantly smaller it will not have an unacceptably adverse impact upon the character of the street scene and will only be evident through plan view of the site.

The proposed dwelling will have a gross internal floor area (GIA) of approximately 82.82m² which will exceed those specified within the Nationally Described Space Standards (NDSS) by approximately 12.82m². Therefore, it is considered that the size of the proposed dwelling is in accordance with the NDSS.

The proposal will include alterations to the host dwelling (60 Vermont Drive) through the relocation of the front door from the northern elevation to the western elevation. It should be noted that this alteration would benefit from permitted development rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This alteration is not considered to have an adverse impact upon the established character of the host dwelling or the character of the locality, with 56 Vermont Drive featuring its primary access adjacent to the highway.

It was requested by objectors that permitted development rights for the erection of sheds/outbuildings were removed in order to protect the existing character of the locality. However, it is considered that

given the limitations of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) that outbuildings constructed under permitted development rights would not adversely impact upon the character of the locality or have a significant presence within the public realm. Such a condition would be considered to be unnecessary and unreasonable in conflict with advice in the National Planning Practice Guidance.

RESIDENTIAL AMENITY

The proposed bungalow by virtue of its height, design and location is not considered to give rise to any unacceptably adverse overlooking of neighbours. In order to ensure that future alterations do not give rise to any unacceptable overlooking a condition has been included in the recommendation report removing permitted development rights for any alterations to the roof or the creation of first floor windows/dormers.

It is acknowledged that the roof of the proposed dwelling will be visible from the north and south of the site within the private rear gardens of neighbouring properties. The ridge height of the proposed dwelling will measure approximately 4.9m and the eaves will measure approximately 2.7m. However, existing mature planting is present on the northern, eastern and southern boundaries of the site which will provide some screening further reducing the visibility of the proposed development.

The proposed dwelling will be situated 2.5m from the southern boundary of the site and 4.7m from the northern boundary. The nearest residential property to the south (19 South View) is situated approximately 25.5m from the proposed dwelling and the nearest residential property to the north (68 Vermont Drive) will be located approximately 20.7m from the proposal. The nearest property to the east (70 Golden Avenue) will be situated approximately 50m from the proposed dwelling. The proposed development and 60 Vermont Drive will be situated approximately 18m apart. These separation distances in conjunction with the single storey height and design of the proposed dwelling are considered sufficient to prevent any unacceptably adverse overbearing or overshadowing impacts on neighbouring properties.

It is acknowledged that the proposed development will result in vehicular movements alongside and to the rear of 60 Vermont Drive which have the potential to give rise to harm to the residential amenity of the host dwelling and immediately neighbouring properties.

However, the proposed access will serve 1 no. 2 bedroom bungalow and provide 1 no. parking space in association with the existing bungalow. Therefore, it is considered that the proposal will not generate significant vehicular movements and as such the proposal is not considered to give rise to unacceptably adverse harm to the residential amenity of neighbours. It should also be considered that Vermont Drive is already characterised by detached garages situated to the side and rear of the dwellings.

It is proposed that the existing dwellinghouse (60 Vermont Drive) will be amended with the doorway being relocated to the western elevation of the property as opposed to its current location to the north. The alterations to the host dwelling will reduce conflict between the proposed access and the host dwelling and will be secured via plans condition. Notwithstanding, such an alteration to the host dwelling would normally benefit from permitted development rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

However, 2 no. windows will be retained on the northern elevation of the property (immediately adjacent to the proposed access). The windows on the northern elevation currently serve the bathroom and kitchen, it is intended for the internal layout of 60 Vermont Drive to be amended to provide an open plan kitchen, living and dining area. Therefore, whilst the kitchen window will open onto the proposed access the living areas will be directly linked to the rear elevation. The bedrooms will be situated on the southern elevation of the property away from the proposed access. However, it must be considered that these

alterations do not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended).

The proposed development has been considered by the Council's Environmental Health Department who have raised no objection to the impact of the proposed access upon the residential amenities of existing or future occupiers of the host dwelling (irrespective of the proposed internal alterations). Therefore, by virtue of this assessment together with the fact that there will not be a significant level of through traffic, it is considered that the proposed development and associated vehicular movements will not give rise to unacceptably adverse impacts upon the residential amenity of neighbours.

By virtue of the above it is considered that the proposed development will accord with policy GEN7(iv) of the Arun District Local Plan.

PARKING PROVISION, ACCESS AND HIGHWAY

The proposed development will retain 1 no. parking space forward of 60 Vermont Drive and provide 3 no. parking spaces to the rear of 60 Vermont Drive - forward of the proposed dwelling. It should be highlighted that 60 Vermont Drive already features block paving forward of the primary elevation providing additional parking provision for the existing dwelling. Similar hard standings are present forward of the primary elevations of 54 and 58 Vermont Drive. It is therefore considered that the proposed parking provision forward of the primary elevation (of 60 Vermont Drive) will not adversely impact upon the established character of the street scene.

The 3 no. parking spaces to the rear of 60 Vermont Drive will provide 1 additional parking space for 60 Vermont Drive and 2 for the proposed dwelling. The 4 no. parking spaces provided as part of the proposed development have been considered by WSCC and are deemed in accordance with the WSCC parking demand calculator.

The proposed development has been considered by WSCC who have stated that;

"The LHA do not anticipate that a 'severe' residual impact on the nearby publically maintained highway will result from the proposals and there are no highway safety grounds to resist the proposal."

The proposed access to the dwelling will be an extension of the existing driveway which currently provides access to the garage of 60 Vermont Drive. It is intended for the existing garage to be demolished to provide access to the rear of the site. A number of objections have been raised in relation to the demolition of the existing semi-detached garage and the impact that this will have upon the garage serving 62 Vermont Drive. However, it must be considered that this would be a private matter for resolution between the owners of 60 and 62 Vermont Drive.

The existing driveway serving the host dwelling where it meets Vermont Drive measures approximately 2.62m in width; increasing to 3m in width as it passes the northern corner of 60 Vermont Drive; before increasing to a maximum of 4m in width along the side elevation of 60 Vermont Drive; as the driveway passes the rear elevation of 60 Vermont Drive it opens out to a maximum of 4.8m before turning into the proposed parking area. The driveway will measure a total distance of approximately 32.28m.

It is identified in Manual for Streets under section 7.2.2 that carriageway widths should be appropriate to the particular context and uses of the site. In this case it should be highlighted that the proposed driveway will serve as an access for a two bedroom bungalow and will provide a second parking space for the occupants of 60 Vermont Drive. Therefore, it is considered that the proposed driveway will be lightly trafficked with a low chance of conflict between pedestrians and vehicular movements. However, it should be highlighted that the average family car measures less than 2.4m in width and as such the majority of the proposed driveway will be of sufficient width to facilitate the safe movement of a vehicle.

When commenting the Local Highway Authority did not raise an objection based on the access arrangement having an unacceptably impact upon highway safety. Therefore, it is considered that the proposed driveway will accord with policy GEN7(vii) of the Arun District Local Plan.

Concerns have been also been raised by objectors in relation to the means of access by fire engines given the width of the proposed access. Further comments have been sought from WSCC 'Water and Access Manager' who has confirmed that whilst the proposed access is non-compliant with part B5 of the Building Regulations by virtue of the minimum width of the proposed access this can be mitigated through the installation of a domestic sprinkler system. However, it should be considered that this matter would be controlled via Building Regulations and as such no condition has been included relating to this aspect of the proposed development.

Objections have been raised in relation to where vehicles will park during construction and how deliveries will take place. Whilst, the development is for one dwelling it is considered reasonable in this case given the width of Vermont Drive and the location of the site to require the submission of a details regarding the parking of site operatives and visitors. Deliveries have been restricted in line with comments received from Environmental Health in order to minimise disturbance to the residential amenity of neighbouring properties. However, given the limitation of Vermont Drive it is considered that deliveries will be carried out in the manner which is achievable. Therefore, it is considered that the submission of a full Construction Management Plan for the proposed development would not be proportionate to the development proposed.

DRAINAGE AND FLOOD RISK

The application site is situated within flood zone 1 and as such is at a low risk of flooding. However, the Council's Drainage Engineers have been consulted and no objection has been raised in relation to the proposed development. The requested conditions have been included with this recommendation report in relation to the existing watercourse situated on the eastern boundary of the site.

Southern Water have also been consulted in relation to the proposed development and no objection has been raised. The informative requested has been included in this report.

TREES

There are no Tree Preservation Orders (TPO) present on the site and therefore there are no controls over tree felling or other effects on any existing trees.

SUMMARY

On balance, the proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plan;

· Proposed Floor, Elevation, Roof, Location and Block plan - Dwg No. 1060.102.b

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.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) 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. This condition must be pre-commencement to ensure that the proposed development does not adversely impact on any existing watercourse or give rise to any additional risk of flooding.

- 5 The development layout shall not be agreed until such time that arrangements for the future

access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 6 Prior to the occupation of the dwelling hereby approved the front door of 60 Vermont Drive shall be relocated in accordance with the details specified on Drawing Number: 1060.100 dated 10/10/2017.

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

- 7 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy GEN12 of the Arun District Local Plan and the NPPF.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with the NPPF.

- 9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or alterations to the dwelling house above ground floor level shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

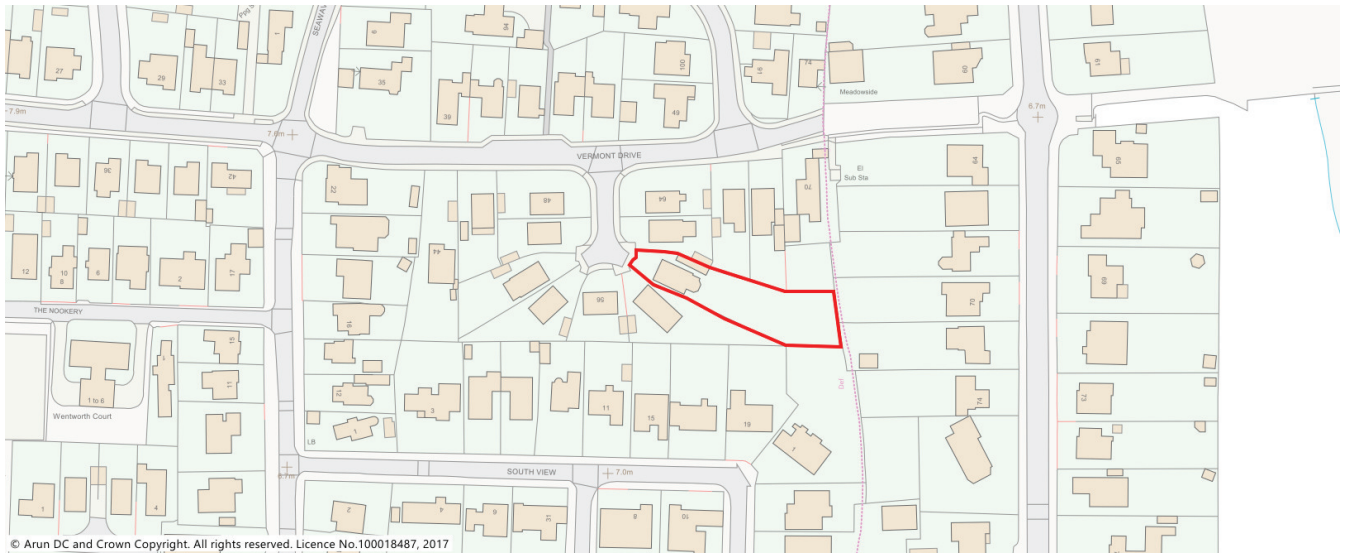
- 10 No development shall take place, including any works of demolition, until details for the parking of site operatives and visitors has been submitted to and approved by, the Local Planning Authority. The approved details shall be adhered to throughout the construction period.

Hours of operation of all plant and machinery and deliveries to/from the site to be limited to 08:00 - 18:00hours Monday to Friday; 08:00 to 12:00 hours on Saturdays and not at all on Public or Bank Holidays unless otherwise agreed with the local Authority.

Reason: In the interests of amenity in accordance with policy GEN7 and GEN29 of the Arun District Local Plan. It is considered that this condition must be pre-commencement to minimise disturbance to neighbours.

- 11 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.
- 12 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourn, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- 13 INFORMATIVE: By virtue of the design and width of the proposed driveway a sprinkler system would be required to be installed at the property in accordance with Part B of the Building Regulations. This matter should be discussed further with the Council's Building Control Department by contacting them on 01903 737756.

EP/69/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: LU/182/15/PL

LOCATION: Land North of Toddington Lane
Littlehampton
BN17 7PP

PROPOSAL: Variation of conditions 4, 6, 7, 8, 39 & 42 imposed under planning reference LU/47/11/ relating to list of plans, illustrative masterplan, CHP plant building, Design Statement, bus stops & traffic improvements.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Application to vary some elements of outline planning permission reference number LU/47/11 relating to the land to the North of Toddington Lane in Littlehampton. The outline planning permission has already been amended under reference number LU/346/14/PL dated 20 February 2015.

Condition 4 - lists the plans to which the outline planning permission relates. The proposal seeks to amend the condition to make reference to an updated masterplan and revised parameter plans.

Condition 6 - states that the permitted development will be carried out substantially in accordance with the illustrative masterplan. The proposal seeks to amend the wording of Condition 6 to refer to the updated masterplan. It is also proposed that reference to the Development Framework Document (DFD) is added to the existing wording of Condition 6,

Condition 7 - requires the provision of details of the CHP plant building. It is proposed to amend Condition 7 to delete the references to the CHP plant in parts (i) and (ix).

Condition 8 - requires the submission of a Design Statement for each phase of development, to accord with the approved Design and Access Statement incorporating Design Guidance dated February 2011. A Development Framework Document (DFD) in relation to the overall masterplan for the North Littlehampton site has been submitted and the application seeks to amend Condition 8 to refer to the DFD.

Condition 39 - requires the submission of a scheme for the provision of bus stops within the site. The proposal seeks to amend the trigger for the provision of this information to 'prior to the occupation of the 350th dwelling on the site'.

Condition 42 - requires traffic improvements to the A27/A284 Ford Road roundabout. It is proposed that Condition 42 should be deleted as the highways improvement works have already been completed.

Description of Development - further to the proposed changes to Condition 7, the development description will also need to be amended to remove the reference to the combined heat and power plant.

As a result of the above proposed amendments, the S106 Agreement would need to be varied to reflect the amended plans.

SITE AREA

85 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET)

Overall density 41 dwellings per hectare

TOPOGRAPHY

The two areas within the application site with existing buildings on are raised approx 3m above the level of the central area and Black Ditch environs.

TREES

There are a number of excellent specimens in the centre of the site that are shown to be retained within the masterplan around the Community Centre. Detailed design layouts will need to carefully consider these trees and their protection will be a high priority.

BOUNDARY TREATMENT

The south coast mainline railway forms the southern boundary of the site. Toddington Lane crosses north over the railway, serves a mixed use area located centrally on the site before turning west to connect, via Mill Lane, to the Lyminster Road. The residential area of Toddington is located south of the railway and the separate village of Lyminster lies to the north, whilst the northern part of the residential area of Wick is situated to the west of the site. The A284, which is the main road serving Littlehampton from the A27, passes to the west of the site through Lyminster and Wick and then south to Littlehampton Town Centre.

The Black Ditch watercourse follows the northern site boundary. Low lying land within the site south of the Black Ditch comprises grazing marshes of biodiversity value. Land to the north of the Black Ditch, beyond the site boundary, is arable land with large-scale fields and a few defining hedgerows.

There are two main public rights of way near the site. The first is a bridleway which runs east to west along a track between Lyminster and Poling. This route is less than 300m to the north of Black Ditch and the site boundary at its nearest point. A public footpath connects the eastern part of the site to this bridleway. This footpath passes through the site between the

glasshouses before joining Toddington Lane near the railway line.

SITE CHARACTERISTICS

The original application site, which extends up to the Black Ditch watercourse, consists of approximately 85 hectares of land, largely covered with glasshouses, warehouses and other development, and is located on the northern edge of the town.

The existing site subdivides into two general areas, being the developed area to the immediate north of the railway line, mainly to the north of Toddington Lane; and the undeveloped area being the low lying grazing marshes to the north and east of the developed area extending up to the Black Ditch watercourse. The undeveloped area serves as part of the functional flood plain, whereas the developed area stands on a raised plateau approx 2-3m above the flood plain.

The developed area of the site is currently occupied by a variety of uses including horticulture, packaging and distribution, office uses and residential properties. A substantial proportion of this part of the site is covered in buildings (mainly glasshouses) and hard surfacing.

Two areas of the site are currently under construction / partially completed (parcels A1 and B3/B5) in addition to an internal access road, following granting of reserved matters applications (LU/347/14/RES, LU/117/15/RES and LU/114/15/RES).

CHARACTER OF LOCALITY

The developed part of the site extends little further north than existing housing development to the west around Mill Lane and Lyminster Road, including Hearnfield Road, Fullers Walk and Granary Way. The latter two roads are culs-de-sac which immediately adjoin the western boundary of the site. To the north of Fullers Walk is a household recycling facility to the west of which are allotments and a residential caravan park.

To the south of the railway line is the Watersmead Business Park, accommodating the Body Shop headquarters amongst its occupiers. To the west of this business park is a small haulage depot site which is the subject of a planning application for redevelopment with 91 dwellings. The majority of the land between the railway line and the A259 Worthing Road is the residential area of Toddington Park, including the recent Eden Park development of about 400 dwellings. To the west of the Toddington Park area is open land in a number of uses, including allotments, the Wick Town Football Club site, and a recreation ground.

The Black Ditch watercourse follows the northern site boundary. Low lying land within the site south of the Black Ditch comprises grazing marshes of biodiversity value. Land to the north of the Black Ditch, beyond the site boundary, is

intensively cultivated arable land with large-scale fields and a few defining hedgerows.

Although the site is dominated by horticultural uses, it also accommodates a mix of employment, residential and other land uses.

RELEVANT SITE HISTORY

LU/346/14/PL	Application for variation of Conditions 11, 17, 18, 20 and 30 imposed under LU/47/11 relating to maintenance of watercourse, scheme for creation of central wetland area, scheme for details of bridges and buffer-zones to on-site watercourses, ecological management plan and scheme for hydrants.	ApproveConditionally 20-02-15
LU/47/11/	Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.	App Cond with S106 23-01-13
LU/278/17/RES	Approval of Reserved Matters following Outline Permission LU/47/11 for Construction of the southern section of the Lyminster Bypass, including northern and southern roundabouts, surface water drainage and landscaping. Departure from the Development Plan & affects a Public Right of Way.	
LU/121/17/RES	Approval of reserved matters following outline consent LU/47/11/ for construction of 126 No. dwellings together	

with internal road network, car parking & landscaping.

LU/92/16/RES	Approval of reserved matters following LU/47/11/ for landscaping of internal road to the North of Toddington Road, East of Southern section of proposed Lyminster By Pass & West of Parcels B3 & B5.	Approve 15-08-16
LU/117/15/RES	Approval of reserved matters following outline consent LU/47/11 for construction of 117 dwellings together with associated internal road network, car parking & landscaping on parcels B3 & B5 following demolition of existing glasshouses & buildings.	ApproveConditionally 21-04-16
LU/114/15/RES	Approval of reserved matters following outline permission LU/47/11 for layout, appearance and landcaping of access road.	ApproveConditionally 08-07-16
LU/347/14/RES	Approval of Reserved Matters following Outline Application LU/47/11 for Construction of 114 dwellings together with associated internal road network, car parking and landscaping on Parcel A1, following demolition of existing glasshouses and buildings. Departure from the Development Plan.	ApproveConditionally 01-09-15

LU/47/11 granted outline planning permission for 1,260 dwellings with a large number of conditions and a S106 agreement.

Planning permission LU/346/14/PL amended a number of conditions attached to LU/47/11 in February 2015.

Parcels A1 and B3/B5 and an internal access road approved under reserved matters applications LU/347/14/RES, LU/117/15/RES and LU/114/15/RES respectively.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Littlehampton Town Council - No objection

- Repositioning of the Youth Centre welcomed
- Initial concerns raised relating to removal of allotted space for care-home and leisure facility.
- Following re-submission of Development Framework Document with revisions to land allocations, noted

that provision of a non-residential parcel suitable for a care home or bespoke leisure facility has been re-instated which overcomes previous objection.

2 representations received objecting to the proposal and raising the following issues:

- Number of houses being built in Toddington Lane without the by-pass having been built
- Road should be completed prior to occupation of houses
- Lyminster Road traffic is horrendous and results in rat-running through estates
- Houses should be elsewhere
- Concerns relating to drainage between the application site and Westholme Nurseries

1 letter of support:

- The Greencore Group - (responsible for delivery of commercial elements of the development) - support the application in relation to the proposed amount of B1 employment floorspace, the hotel and leisure facilities. Noted that there is no longer dedicated provision for a care home within the masterplan - support this flexibility should the market interest in care home demonstrate that it is feasible.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

WSCC Strategic Planning

Highways England

Network Rail

CONSULTATION RESPONSES RECEIVED:

Network Rail - No objection

Highways England - No objection

WSCC (highways) - Would agree to 100 occupations for trigger to bus stops. Need to see up to date version of framework design guide to agree.

Further WSCC response:

Condition 6:

- Clarification sought on status of the Design and Access Statement in relation to the Development Framework Document. Applicant confirmed that the DAS would remain.

Condition 7:

- Minimum road width should be 4.8m. Private access roads are shown as 4.1m.
- Comments provided on ensuring visibility splays and extent of road adoption.
- Advice provided on ensuring appropriate design speeds can be attained for internal roads, particularly the main spine road through the development. Matter for detailed design stage through reserved matters.
- Cycleways to accord with design criteria for such routes published by Department for Transport (LTN 1/12 para 7.60 and table 7.4).

- Parking - to be informed by WSCC guidance. Advice on visitor parking and avoiding parking on carriage-way and to rear of properties. Recommend that reference is added to DFD.
- Comments provided on need to underwrite Traffic Regulation Orders if conditions prejudicial to road safety occur.
- Comments on ensuring sufficient drainage for roads.
- Comments on ensuring landscaping is kept clear from road junctions and visibility splays.
- Ensure S106 is amended to reflect changes to the outline permission.

Condition 8:

- Comment in relation to correct date for document.

Condition 39:

- Principle of using spine road for bus route accepted. Final detail can only be approved when detailed submissions made.

Condition 42:

- Matter for Highways England who requested the condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Officers agree that the proposed trigger for approval of a scheme of bus stops is not acceptable and an earlier trigger is necessary.

POLICY CONTEXT

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN8	Development and the Provision of Infrastructure
SITE7	Land at Toddington, Littlehampton
GEN14	Public Transport
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
ECC SP2	Energy and climate change mitigation
D SP1	Design
H SP1	Strategic housing, parish and town council allocations
T SP1	Transport and Development

Littlehampton Neighbourhood Plan 2014 Policy 1

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 22

Design of New Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation is a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced was suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these took place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination re-opened in September 2017.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Climping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Littlehampton Neighbourhood Development Plan was 'made' in 2014 and forms part of the development plan of relevance to this application.

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 provide a suitable suite of documents, when combined with the existing Design and Access Statement, to ensure high quality design and sustainability objectives are met.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Condition 4:

Condition 4 lists the approved plans attached to the outline planning permission, including Drawing Number GR.L-002 (North Littlehampton Illustrative Masterplan). The applicant has reviewed the original masterplan and identified some required refinements to the Masterplan.

Condition 4 of the outline planning permission currently refers to a series of Parameter Plans. These plans have now been updated (initially the application sought to remove them), as has the Development Framework Document (DFD) which is intended to set out the principles and objectives of the overall North Littlehampton masterplan, as well as provide design guidance for each phase of development.

Further to the above, it is proposed that Condition 4 is amended to make reference to the updated masterplan, and updating references to the Parameter Plans. Accordingly, Condition 4 would state the following:

"4. The planning permission relates to the following approved plans:

519-GR.L 002 Rev B (Updated North Littlehampton Illustrative Masterplan)

519 GR.L-004 Rev A (Red Line Plan)

519 GR.L-005 (Ownership Areas Plan)

519-GR.L 006 Rev B (Land Use Plan)

519-GR.L 008 Rev B (Vertical Alignment Plan)

519-GR.L 010 Rev B (Vehicular Access Plan)

519-GR.L 011 Rev B (Play and Fitness Plan)

519-GR.L 014 Rev A (Pedestrian and Cycle Access Plan)

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."

The Horizontal Alignment Plan and Open Space Plan are proposed to be removed from the list of approved plans. The Horizontal Alignment Plan previously set out the block perimeters for the site. As additional detail has been added to the Masterplan, the block structure can be clearly seen on the Masterplan and it is not considered necessary to continue to include the Horizontal Alignment Plan.

The Open Space plan previously detailed the location and amount of open space to be provided across the site. Whilst some detail has been lost, the main areas of open space are illustrated on the Masterplan and on the revised Play and Fitness Plan, with detail provided in the Development Framework Document. Therefore, the loss of the Open Space Plan is considered to be acceptable and would ensure the provision of open space in accordance with GEN7 and GEN20 of the ALP.

The changes to the Masterplan are considered to be minor and do not change the number of dwellings that can be achieved on the site or the mix of non-residential land uses proposed. The revised Masterplan ensures that the areas shown conform with the amount of land identified for different uses in the S106, which the earlier Masterplan did not do. The proposed layout also allows for a 15m offset along the Bypass to allow for noise attenuation, landscaping and surface water attenuation.

One of the main changes is the alteration of the northern junction on the Bypass which was previously shown as a traffic light/ priority junction and is proposed to be changed to a roundabout. This is following discussions between the applicant and the Local Highway Authority. The roundabout is considered to provide capacity benefits over the traffic signalised junction. The Town Council initially raised concerns regarding the success of the traffic signals - given the level of traffic. The DFD confirms that the LHA have approved the layout of the roundabout in principle and have reviewed the capacity testing of the roundabout junction. The change was discussed at the North Littlehampton Steering Group who were broadly supportive. Therefore this amendment is considered to be acceptable and would allow for the safe movement of pedestrians and vehicles in accordance with Policy GEN7 of the ALP.

The Vehicular Access Plan shows a hierarchy of streets from the bypass down to private drives. The shared surface roads are similar to the previous 'Homezones'. The Main Avenue remains as the primary 'spine' road through the development and secondary routes have been re-named as 'estate roads'. The main change is the loss of the 'rural edge/ green lanes' road typology. This was a feature of the edges of the development where they fronted onto the Black Ditch and the Central Wetland, to create softer edges to the development. This has been replaced with the more generic 'estate roads' and 'private drives'.

The Play and Fitness Parameter Plan has been amended with the reduction in the number of LAPs from 25 to 13. The result is that some residents would be over the recommended 1minute walking distance from a LAP. However, the number of LEAPs has been increased from 3 to 4 which is considered to compensate for the reduction in LAPs and there are other areas of green space on the site which also compensate (e.g. the central wetland area, Black Ditch and SuDs corridors). The LEAPs have also been re-located to ensure that they are more accessible to the western part of the site. The Fitness Trail routes are not shown on the updated Plan, but the location of the fitness trail stations has been indicated.

In relation to the Vertical Alignment plan, the parameters are broadly unchanged, with the principle of higher storey buildings around the local centre and 2 storey buildings on the rural edges, with up to 3 storeys along the main avenue.

The changes to the Land Use Plan include the relocation of the Youth Centre from the western side of the Southern Bypass to adjacent to the school site. This is a logical re-positioning as there is a synergy between the uses and it would also be closer to the community centre site. The 'energy centre' has been removed and the 'leisure use' rezoned as 'non-residential' land. This would provide additional flexibility to respond to the market and demand for a variety to non-residential uses, rather than restricting the development to a leisure use.

Based on the above, there is no objection to amending the wording of this condition in accordance with GEN7, GEN20, GEN12 and SITE7 of the Arun Local Plan.

Condition 6:

Condition 6 of the outline planning permission states that the permitted development must be carried out "...in substantial accordance with the illustrative masterplan drawing number GR.L-002 Rev A..." Some changes have been required to the overall masterplan for the site as approved as part of the outline planning permission and an updated masterplan has been submitted. Accordingly, the wording of Condition 6 also needs to be amended to refer to the updated masterplan.

It is proposed that reference to the Development Framework Document (DFD) is added to the existing wording of Condition 6, which currently requires the permitted development to be carried out in accordance with the Design and Access Statement incorporating Design Guidance dated February 2011. It is therefore proposed that the wording of Condition 6 is amended to state the following:

"6. The development hereby permitted shall not be carried out except in substantial accordance with the updated illustrative masterplan drawing number 519-GR.L_002 Rev B ('the Masterplan'), the Design and Access Statement incorporating Design Guidance dated February 2011 (approved under Planning Permission Reference No. LU/47/11) and the Development Framework Document dated June 2017, unless otherwise agreed in writing with the Local Planning Authority.

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."

The Development Framework Document (DFD) aims to provide further design guidance to sit underneath the overarching principles established through the outline permission. The proposal is that the DFD should be read in conjunction with the approved Design and Access Statement. The aim of the DFD is to provide a framework so that when reserved matters applications are submitted, it will be clear how they relate to the overall design principles for the site.

The DFD sets out the design evolution of the site and the design concept for the layout. It provides the rationale behind the Parameter Plans in relation to scale and identifies the roles key buildings and frontages within the development, including the green edge and main avenue frontage. The role of 'central spaces' is also identified - for example the local centre and community hub. Detail is provided on the form of development, identifying the use of block structures to form the parcels of development across the site. Key concepts are included, such as ensuring streets are overlooked and corner buildings provide fenestration on the two outward looking edges.

The DFD includes a set of 'character areas' which would have different architectural principles depending on and influenced by their location within the site. There are 8 character areas in total and for each one the DFD provides an overview of the character, a table setting out architectural details (e.g. materials palette, parking arrangements, surface materials), and public realm, open and play space principles.

The Civic Square has been identified for 'parking/square' and is identified as having three primary functions - including a civic area, car parking and drainage storage facility. The original DAS Design Guidance does not mention parking as one of the function of the Civic Square and it is not considered that the two functions are desirable in urban design terms. The dual function has arisen due to a lack of space for car parking when the detail was added to the layout. The parking would be for the retail uses, rather than residential and would have the potential to be suspended to allow the space to be used for civic functions. Whilst a Civic Square with no parking would be the best solution in design terms, it is considered that the need for sufficient parking to support the retail functions and avoid on-street parking over-rides the design concerns. The detailed reserved matters application for this area would need to show a well designed multi-functional square which incorporates parking, landscaping and structural planting/ seating as set out in the revised DFD.

The DFD also provides a detailed Access and Movement Strategy, which includes the road hierarchy, parking design guidance and a plan showing the pedestrian and cycle access through the site, including diverted public rights of way. The document provides typologies for each road in the hierarchy, including the proposed speed, width, footway/ cycleway provision and location, verges and parking. The document has taken away the separate 'green lane' typology (and combined it with private access roads). These were low speed, low width areas giving access to the perimeter areas only and was intended to meander

along the boundary and provide an informal edge to the development. This has been replaced with estate roads which end in a 'T' and then turn into 'private access roads and green lane' type arrangements. This would have a harder appearance than the original green lane typology. Whilst the more generic 'estate roads and private drives' typology description lacks some of the features of the previous green lane typology, the principles are set out in the Green Edges Character Area in the DFD document e.g. 'a naturalistic edge to the main development parcels', 'a irregular pattern referring to the open rural setting'. This provides sufficient detail to ensure that the principle of the green lane providing an informal edge to the development is maintained in the replacement proposals.

The 'SuDs' street type has also been lost. The original DAS Design Guidance document (which is not proposed to be altered by this application) provides a detailed section of how this type of street would look. These SuDs streets were to be located both to the east and west of the Central Wetland area but have been removed from the western side and replaced with hard surfaced streets with no SuDs features incorporated or ecology or open space benefits. The SuDs streets on the eastern side have been replaced with 'SuDs corridors' and with 'private access roads and green lanes' type roads abutting the corridor in places. The principle of the SuDs corridors and their appearance is set out in the 'Green Edges Character Area' which states that 'SuDs features will run vertically from Black Ditch providing attenuation areas for surface water run off'. It also states that 'they will form a key landscape feature of the green edge'. The justification for the loss of the open SuDs corridors from the western side of the site is that this area of the site would have a more urban character and also because of the constraints on the site which have reduced the amount of available space for all of the uses proposed. 'Urban style' SuDs features would still be included within the western side of the site, including attenuation tanks and permeable paving. Whilst the reduction of the open SuDs corridors weakens the overall cohesiveness of the design, it is acknowledged that it is necessary in order to deliver the agreed quantum of development on this site and the benefits of enabling development on the scheme to progress outweigh the loss of the open SuDs corridors.

The DFD includes a Landscape Strategy detailing the approach to landscaping across the site, including the key green infrastructure area of the Central Wetland and the SuDs corridors. It also provides information on the sports pitches and residential 'on plot' landscaping. A 'Play Strategy' is also included setting out the type of play provision to be included. A Drainage Strategy and Sustainability Strategy are also covered by the document.

The latest version of the DFD was considered by the North Littlehampton Steering Group on the 12th September and clarification was sought in relation to the bus route, type of playing pitch provision, the spread of affordable housing, parking provision across the site and the timing for delivery of the school. There were no comments made in relation to the detailed content within the DFD.

Overall, it is considered that the Development Framework Document, combined with the original Design and Access Statement provides a suitable set of design parameters and principles to ensure delivery of high quality development across the site, with distinctive but complementary character areas adding variety to the built and natural form, and sufficient detail in relation to the road typologies to understand how separate reserved matters applications fit within the proposed hierarchy, in accordance with GEN7 of the Local Plan.

Condition 7:

Condition 7 makes reference to the provision of a CHP (Combined Heat and Power) plant as part of the overall masterplan for the North Littlehampton site, as was proposed as part of the approved outline planning permission. This was intended to reduce enough energy on site to offset 10% of the development's expected regulated energy use by installing a community heating system with integrated CHP as an alternative to mains gas combi-boilers to all plots.

The applicant is now proposing to use a Fabric First approach as an alternative to CHP for the site, to ensure that enhanced performance is embedded within the properties for the duration of their design life with little or no maintenance required, as opposed to bolt-on options which can reduce in performance over time and require regular maintenance and therefore additional cost. The DFD summarises this approach which includes a building fabric which exceeds Part L by limiting U-Values as well as higher efficiency boiler, lighting and ventilation systems.

It is therefore proposed to amend Condition 7 of the outline permission to delete the references to the CHP plant in parts (i) and (ix).

The 'fabric first' approach is considered acceptable as an alternative to the CHP provision as it achieves a similar aim in relation to energy reduction in accordance with Policy ECC SP2 of the modified Emerging Arun Local Plan (eALP).

Condition 8:

Condition 8 requires the submission of a Design Statement with each reserved matters application which accords with the approved Design and Access Statement incorporating Design Guidance dated February 2011. As explained in relation to Conditions 4 and 6 above, a Development Framework Document in relation to the overall masterplan for the North Littlehampton site and has been submitted and the application seeks to amend Condition 8 to refer to the DFD as follows:

"8. In respect of each phase or sub phase of the development hereby permitted, reserved matters applications shall include a design statement. Each design statement shall demonstrate how the objectives of the approved Design and Access Statement incorporating the Design Guidance dated February 2011 (approved as part of Planning Permission Reference Number LU/47/11) and the Development Framework Document (dated June 2017) will be met and confirm details in respect of; ..."

As considered above, the DFD is an acceptable addition to the framework documents for the outline permission and therefore the reference to the document in Condition 8 is acceptable and accords with Policy GEN7 of the Arun Local Plan.

Condition 39:

Condition 39 requires the submission of a scheme for the provision of bus stops within the site to be approved by the Local Authority prior to the commencement of development. As part of the outline planning permission, a Parameter Plan for Vehicular Access (Drawing No. GR.L-010 Rev A) was approved which shows the proposed bus route around the eastern and central part of the masterplan, including the proposed Local Centre and the Southern Bypass. The proposed bus route does not extend to the west of the proposed Southern Bypass and therefore does not relate to Parcel A1.

For this reason, the details of the proposed bus route including bus stops will not be established until a later phase of the overall masterplan, in line with the design of the road network on which the proposed bus route will operate. The applicants have stated that it is not practical to submit the detailed information required by Condition 39 at this early stage in the overall masterplan, prior to the commencement of any development as currently specified.

It is proposed to amend the wording of Condition 39 to require the details of the proposed bus scheme to be submitted at a later stage. The proposal is that an appropriate trigger for the provision of this information is prior to the occupation of the 350th dwelling on the site, to reflect the trigger for the provision of the Southern Bypass which will be the first stage of the new road network to come forward

on which the bus route will operate.

The proposed amended wording for Condition 39 would therefore be amended as follows:

"39. No more than 350 dwellings in the development hereby permitted shall be occupied until a scheme for the provision of bus stops within the site shall have been submitted to and approved in writing by the Local Planning Authority..."

There is a need to have some certainty in relation to the bus stop locations before any reserved matters applications are submitted which include the bus route along the Main Avenue. Therefore, it is considered that a more appropriate trigger would be the occupation of the 100th dwelling. Subject to the revision of the trigger to 100 occupations, the amendment accords with Policy GEN14 of the ALP.

Condition 42:

Condition 42 of the outline planning permission requires the completion and opening to public traffic of the improvements to the A27/A284 Ford Road roundabout prior to the occupation of no more than 350 dwellings. However, as part of the subsequent discussions with the Highways Agency, it has now been confirmed that these highways improvement works have already been completed by the Highways Agency and therefore are not required to be delivered as part of the overall masterplan for the North Littlehampton development. Accordingly, it is proposed that Condition 42 should be deleted.

The applicant has confirmed that they will also be seeking to amend the Section 106 Agreement to reflect the deletion of Condition 42.

As set out above, Condition 42 is no-longer deemed necessary in order to make the development acceptable and it is recommended that it is deleted.

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.

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

The outline application LU/47/11 was accompanied by a S106 Agreement. In light of the changes proposed to the conditions, a Supplemental Deed has been prepared to vary the original Agreement.

The Supplemental Deed includes the following:

Affordable Housing Scheme and Tenure Mix

Amended definition of affordable housing scheme to amend tenure requirements following the bedroom tax and to accommodate the need to provide 12 ground floor flats. The resulting change is a reduction in 3 bed houses from 43% to 33% (108 units to 83 units) and an increase in 2 bed flats from 26% to 36% (66 units to 91 units). The chosen affordable housing provider, Hyde, have also sought a change to 50/50 split in type of affordable housing tenure provided (from 65% rented and 35% intermediate). This approach has been agreed on Phases A1 and B3/B5 and the same approach is required on the remainder of the site. The Housing and Strategy Manager has been consulted and agreed that the changes are appropriate.

Definitions within the Agreement

The Agreement makes reference to the 'Application' meaning the outline application LU/47/11. This needs to be updated to reflect this application (LU/182/15/PL). This is a logical amendment to make to reflect the correct permissions.

The Agreement provides definitions of the various parts of the site reserved for different uses (e.g. school site, community centre land etc) and associated plans. The definitions refer to colours indicated on a corresponding drawing. The Supplemental Deed would amend the definitions to refer to the amended parameter plans and therefore the amended colours. This is a logical amendment to reflect the changes proposed by the S73.

Ecology Scheme

The S106 Agreement currently refers to a single scheme for ecology. The Supplemental Deed proposes a change (to the definition and Schedule 16) to ensure that ecology schemes are submitted for each phase, rather than for the site as a whole. This change would ensure that the ecological enhancement proposals and a programme for their implementation, management and monitoring, would be submitted with each reserved matters application, rather than as a whole. As the opportunities for ecological enhancement wouldn't be known in full until detailed layouts have been prepared for a reserved matters application, this amendment is considered to be acceptable.

Highway Improvement Plans

The applicants are proposing to vary Schedule 10 of the S106 Agreement. This Schedule details the Highway Works that are required to be delivered in relation to the site. Discussions with the LHA and ADC on the amended triggers and plans are ongoing and when finalised to the satisfaction of all parties would be included in the Supplemental Deed. The changes to the Highways Schedule need to follow the amendments to the Masterplan and parameter plans, and reflect the proposed deletion of condition 42 proposed by the S73 application.

Open space and recreation

The agreed S106 includes triggers for the delivery of open space against occupation numbers for the whole site. The Supplemental Deed seeks to amend the occupation related triggers and instead refer to open space schemes (LEAP 1, 2, 3 and 4) being brought forward and delivered with each reserved matters application in which the open space is located. Within each phase an open space scheme would be approved prior to first occupation and the laying out, servicing and planting of open space and landscaping completed prior to 50% occupation of that phase. A completion certificate would have to be issued prior to 90% occupation of each phase. The justification for the amendment is that it is not possible to provide detailed boundaries and specifications for the LEAPs in advance of the reserved matters stage for each LEAP. This amendment is considered to continue to provide sufficient control to ensure delivery of each LEAP in a timely and progressive manner with each respective reserved matters application.

The trigger for the playing fields is also proposed to be amended from the 900th occupation to the 1000th

occupation. The justification for this is the need to be realistic about the delivery. The applicants have stated that the residential development on the eastern part of the site would be delivered in the clockwise formation and the playing fields location can only be accessed when parcels E4 and E6 are delivered. As these parcels are likely to be delivered towards the end of the development period, the later trigger of 1000 occupations is proposed. Whilst an earlier trigger would be preferred, the justification for the amendment is accepted, and in terms of timescales, the delay would amount to approx. 1 year (depending on build rates). The time period for the transfer offer for the open space to be made to the Council is proposed to be amended from within 12 months to within 24 months and this is considered to be acceptable.

The trigger for the approval of a scheme for the community centre and the youth facility is currently 350 occupations and following negotiations this is not to be amended. The proposal would amend the trigger for offering the freehold or long leasehold for both facilities to the Town Council from 350 to 450 occupations. The proposed trigger for disposing of the freehold to the Town Council is proposed to remain at 500 occupations with transfer to the Town Council by 650th occupation. The trigger for the owners (Persimmon) delivering the community centre if the Town Council have not taken the transfer of the Community Centre land by 500 occupations is proposed to be altered to the 750th occupation.

The justification for these amendments is to allow time for the community centre and youth centre schemes to be approved and to allow workability with the offer obligations and increase the timescale for delivering the Community facility should the obligation fall to Persimmon. There is also the need to ensure that the land can be fully serviced (which requires delivery of the Central Wetland and Main Avenue). As set out in the DFD, the applicants are anticipating that they would reach 600 occupations by 2020 which means that 650 occupations would have been reached by 2021. The Town Council considered the amended triggers and were satisfied with the amendments. There is then a limit of 5 years from transfer of the sites to the Town Council for the completion of construction and fitting out of the facilities, if the trigger for transferring the freehold or leasehold is put back to 650 occupations, this would result in a delay to the completion of the facilities. However, it is considered that delivery of the facilities would still take place before the final occupations take place (anticipated around 2026 - based on worse case scenario) and therefore the amendment is considered acceptable.

RECOMMENDATION

1 Condition 6:

The development hereby permitted shall not be carried out except in substantial accordance with the updated illustrative masterplan drawing number 519-GR.L_002 Rev B ('the Masterplan'), the Design and Access Statement incorporating Design Guidance dated February 2011 (approved under Planning Permission Reference No. LU/47/11) and the Development Framework Document dated June 2017, unless otherwise agreed in writing with the Local Planning Authority.

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.

2 Condition 7:

The appearance, landscaping and layout particulars to be submitted in accordance with Condition 1 for any phase or sub phase shall include (insofar as they are relevant to that phase or sub-phase):

- i. The detailed layout of the site including the delineation of the precise boundaries of the sites

reserved for the waste management centre, primary school, community centre, allotments, youth facility in the relevant phases;

ii. The siting, design and external appearance of the buildings;

iii. A full arboricultural survey to accompany each phase or sub phase of proposed development;

iv. The detailed design of the southern section of the Lyminster bypass, including associated levels, profiles, culverts, lighting and street furniture, including a scheme for inclusion of public art. The lighting and street furniture should be of a design and specification which reflects the 'gateway' appearance and function of the new road and could constitute public art;

v. The detailed design of the works required for the closure of the Toddington Lane level crossing, including the footbridge, fencing and other accommodation works (such closure being subject to the outcome of a separate legal closure process);

vi. The detailed design of the works required for the closure of the Norway Lane level crossing including fencing and other accommodation works (such closure being subject to the outcome of a separate legal closure process);

vii. The detailed design of the flood compensation measures including the wetland, including levels and profiles and a programme for construction;

viii. Details of recycling facilities;

ix. The detailed design of the Community Centre, Primary School, Youth Facility;

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

3

Condition 8:

In respect of each phase or sub phase of the development hereby permitted, reserved matters applications shall include a design statement. Each design statement shall demonstrate how the objectives of the approved Design and Access Statement incorporating the Design Guidance dated February 2011, and the Development Framework Document (June 2017) will be met and confirm details in respect of;

a) The character, mix of uses and density established through the parameter plans at the outline stage to include the block principles and the structure of public spaces;

b) The street hierarchy, including the principles of adopting highway infrastructure, and typical street cross-sections;

c) How the design of the streets and spaces takes into account mobility and visually impaired users;

d) Block principles to establish use, density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and perimeter of building definition;

e) Key groupings and other key buildings including information about height, scale, form, level of enclosure, building materials and design features;

f) Details of the approach to vehicular parking across the entire site for each building type, including details of a design approach;

g) Details of the approach to cycle parking for all uses and for each building type, including the distribution (resident/visitor parking and location in the development), type of rack, spacing

and any secure or non-secure structures associated with the storage of cycles.

h) The approach to the character and treatment of the structural planting to the development areas;

i) The conceptual design and approach to the sustainable drainage management and how this is being applied to the built-up area to control both water volume and water quality including specification of palette of sustainable drainage features to be used, and planting strategies to enhance biodiversity.

j) The conceptual design and approach of the public realm to include public art, materials, signage, utilities and any other street furniture.

k) The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter;

l) Details of waste and recycling provision for all building types and recycling points.

m) Measures to demonstrate how opportunities to maximise resource efficiency and climate change adaptation in the design of the development will be achieved through external, passive means, such as landscaping, orientation, massing, and external building features;

n) Conceptual designs and approach to the treatment of the public realm at the central wetland (including the bridge crossing), Neighbourhood Centre, Community Hub area, primary school and youth facility are required to be submitted to the local planning authority for approval prior to the commencement of any development within the phase that these facilities are sited.

Each phase or sub phase of the development hereby permitted shall be carried out in accordance with the approved design statement for that phase or sub-phase.

Reason: To enable the Local Planning Authority to exercise comprehensive control over the details of the proposed development in accordance with Policy GEN7 of the Arun District Local Plan.

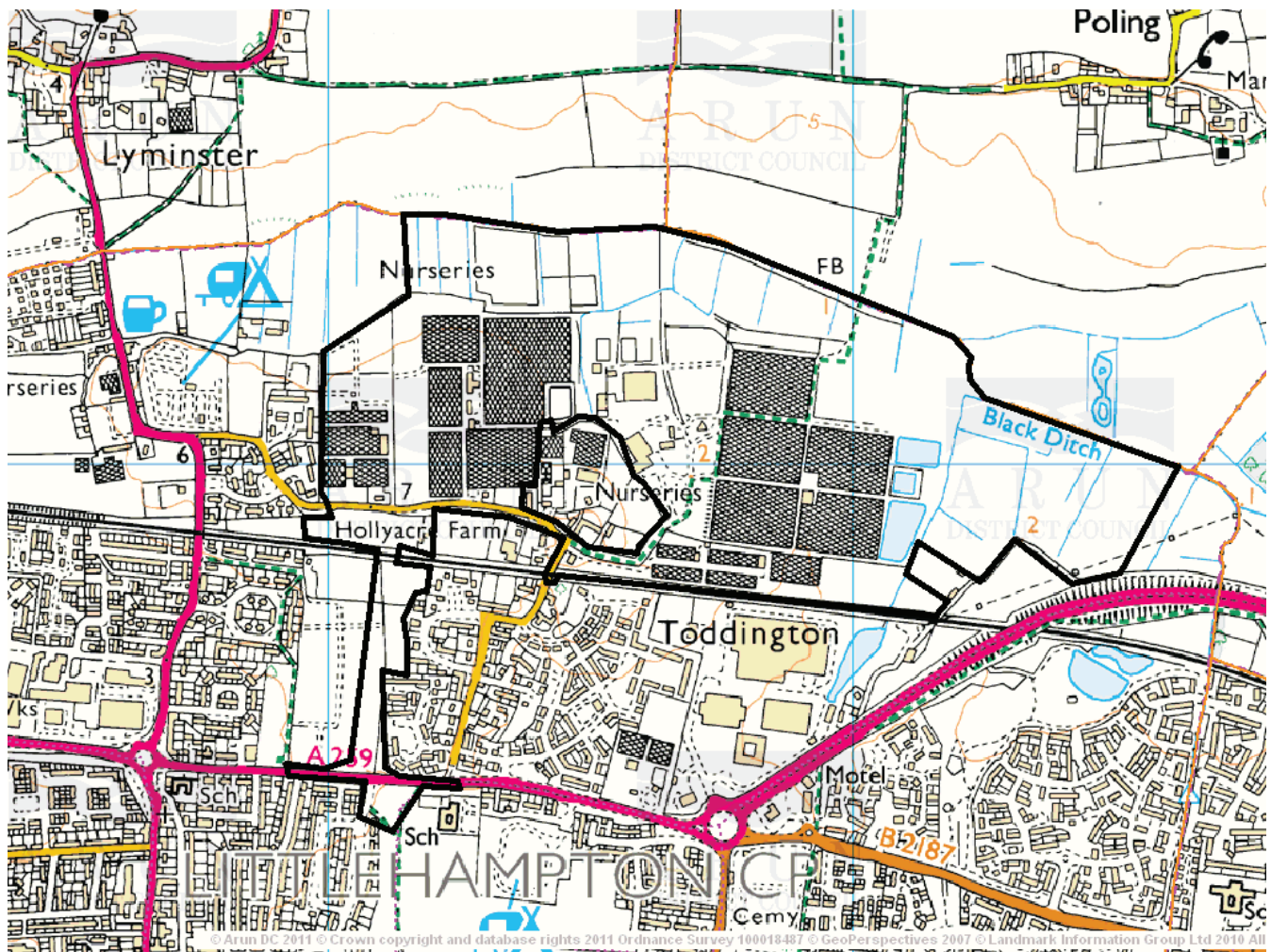
- 4 No more than 100 dwellings in the development hereby permitted shall be occupied until a scheme for the provision of bus stops within the site shall have been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall include a programme for provision of real time passenger information-ready bus stops. The development shall not be carried out otherwise than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of road safety and sustainable development.

- 5 Condition 42:

Condition 42 of LU/47/11 is hereby deleted

LU/182/15/PL - Indicative Location Plan (Do not Scale or Copy)
 (All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/249/17/PL

LOCATION: Directors Cottage
Toddington Lane
Littlehampton
BN17 7PP

PROPOSAL: Demolition of the existing bungalow & redevelopment of the site with 5 No. detached houses. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of 5 detached 3 bedroom houses of 2 different designs. Each dwelling has a garage and cycle store. A minimum gap of 2m between the properties would be provided. The dwellings would have pitched roofs with a ridge height of 15m. The materials would comprise concrete interlocking tiles, stock facing bricks, tile hanging and cladding.
SITE AREA	0.14 hectares
RESIDENTIAL DEVELOPMENT DENSITY	36 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fencing to rear and side boundaries and ranch style fencing and hedging to site frontage.
SITE CHARACTERISTICS	Former nursery owners accommodation. Detached bungalow with garage comprising brick elevations and tiled roof.
CHARACTER OF LOCALITY	Predominantly residential. New dwellings recently completed to rear and opposite in Toddington Lane with smaller plot sizes. Some of the units opposite have used materials including cladding and tile hanging as proposed in this application.

RELEVANT SITE HISTORY

LU/46/15/PL	Application for the removal of condition 7 imposed under LU/113/64/ relating to agricultural occupancy.	ApproveConditionally 01-05-15
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - on the grounds of highways safety. Considering the comments from the Highways Authority, Members lamented the lack of pavement in the plans and considered that more could easily be introduced which would also improve safety for pedestrians. In view of the increasing residential occupation in the area and the subsequent increase in traffic together with the needs of public transport, it was considered appropriate that a contribution be sought from the developer towards the costs of a Traffic Regulation Order introducing restrictions on the highway to counter on street parking. It was considered that if these matters could be satisfactorily addressed through planning conditions, the Committee would be content to withdraw their objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

There is footpath provision along this section of Toddington Lane on the opposite side of the road outside the recently completed new houses. County highways have not objected to the application on the basis of the lack of provision. The threshold for requesting any form of affordable housing/infrastructure financial contributions has not been met. Highways have confirmed that the proposed number of car parking spaces is in line with West Sussex County Council requirements.

Condition number 8 will ensure that these spaces will be provided before occupation of the dwellings takes place and will be protected for car parking purposes only.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Economic Regeneration

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No Objection. Conditions suggested to include a construction management plan and hours of operation.

COUNTY HIGHWAYS - No Objection. The proposal would not have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and there are no transport grounds to resist the proposal. Full details of their comment are available on the web site.

DRAINAGE ENGINEER - No Objection. 2 standard conditions in relation to surface water drainage are proposed.

ECONOMIC DEVELOPMENT - No comment

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions requested by consultees have been included in the recommendation.

POLICY CONTEXT

Designation applicable to site
 Outside Built Up area Boundary
 Arundel and Littlehampton Strategic Gap
 North of Littlehampton Strategic Housing Allocation

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN20	Provision of Public Open Space within New Development
AREA10	Strategic Gaps

Publication Version of the Local Plan (October 2014):

D SP1 Design
SD SP1 Sustainable Development
HER DM6 Sites of Archaeological Interest
HOR DM1 Horticulture
SD SP2 Built -Up Area Boundary
C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
W DM3 Sustainable Urban Drainage Systems
H SP1 Strategic housing, parish and town council allocations
T SP1 Transport and Development

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
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Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation may be a material consideration when determining Planning

Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination into the proposed Plan modifications took place in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area 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 be afforded 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Littlehampton Neighbourhood Plan has been made and policies 1 and 2 are considered relevant to the determination of this application.

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 is within an allocated site in the Littlehampton Town Development Plan and 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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site was the managers accommodation for the former nursery in the area which is currently being redeveloped to provide new residential properties. At the time of the horticultural use of the area it occupied a countryside location where the principle of development would have been considered unacceptable. However the site has been included in the emerging Local Plan (2014) as a Strategic Housing Allocation. Whilst it does not accord with adopted local plan policies this plan is out of date in respect to the supply of housing. It does however comply with the emerging local plan and Neighbourhood Plan which supersede the 2003 Local Plan in terms of the supply of housing policies.

The made Littlehampton Neighbourhood Plan (2014) is the most up to date adopted plan for development control purposes and contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development

Policy 2 - Spatial Plan for the Town

Policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site other than a reference to the area as a strategic housing site in policy 2. The proposal would therefore accord with this policy.

Policy 2 refers to the site (Toddington North of the Railway Line) which states :

The Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area of Littlehampton and especially the Fitzalan Corridor connecting the strategic housing allocations at North Littlehampton (Toddington- north of the railway) and at Courtwick Park with the Littlehampton Academy, the Town Centre and the Community Hub and the Green. The proposal therefore accords with this policy. As a more recent part of the development plan, the proposals are in accordance with the development plan.

The policies that relate to the supply of housing in the 2003 Local Plan are now only afforded very limited weight as they do not relate to development needs beyond 2011 and the current built-up area boundaries were drawn to accommodate a specific quantum of development in the period 2001 - 2011.

The Council has produced new evidence to support the emerging Local Plan which indicates that the objectively assessed housing need (OAHN) for the District equates to 919 dwellings per annum. The proposed modifications to the Local Plan result in a housing requirement of 20,000 dwellings over the Plan period between 2011 and 2031. The housing supply comprises completions, commitments, Neighbourhood Plan allocations, deliverable HELAA sites (within the Built-Up area boundary), non-strategic sites, windfall sites and strategic site allocations. This site falls within a strategic site allocation within the publication version of the Local Plan.

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the

Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 2.09 years. A report to the Local Plan Sub-Committee recommended to Full Council that planning applications should be invited on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery. This was due to the shortfall in housing land supply since the start of the plan period in 2011. The emerging Plan must ensure that an adequate supply of sites to provide for a rolling five year land supply over the course of the Plan period once the Plan is in place.

Once the Local Plan is adopted (expected to be in Spring 2018) and is able to carry significant weight, the policies will seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted in exceptional circumstances or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

In relation to the sustainability the location has previously been considered sustainable given the neighbouring residential sites under construction and the proximity of essential services.

CONCLUSION ON PRINCIPLE

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"

The site falls within the built area boundary as defined in the Publication Version of the Emerging Local Plan published in October 2014 and the built up area boundary as defined by Policy 2 of the Littlehampton Neighbourhood Plan which is the most up to date development plan.

It is recognised that there is an allocated housing site to the north and construction has begun on the North Littlehampton development and development to the South of Toddington Lane is under construction. The site would therefore have the appearance of being situated within the urban envelope.

Given compliance with the Littlehampton Town Neighbourhood Plan and the Publication version of the Local Plan and other more limited supporting material considerations it is considered that the proposed development would be acceptable in principle.

DESIGN AND VISUAL AMENITY

Planning Policies and Central Government Advice support the efficient and effective use of land. Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

Policy GEN7(ii) of the Arun District Local Plan requires new development to respond positively to the identified characteristics of the site in order to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted.

Policy D SP1 'Design' of the Local Plan Publication Version seeks good quality and demonstration of a high quality of design based on a site analysis and context appraisal; adherence to objectives informing sustainable design; and the influence of these objectives have on the form of the development

The proposal comprises 2 designs of 3 bedroom dwellinghouses which would be two storeys high and have the same ridge and eaves heights. They would also be set back a uniform distance from Toddington Lane to allow for provision of driveways in front of garages. They are sited further forward than the existing dwelling, but this existing set back depth is an anomaly to the emerging pattern of development and the proposal would accord with this. The final material finishes are to be conditioned so as to be in keeping. Soft landscaping which would soften the appearance of hard landscaped areas and buildings is conditioned.

The site comprises a detached dwelling which sits at odds with its new neighbours in that the dwelling and plot size are significantly larger than the new neighbouring dwellings to the north and south. The numbers proposed would result in a density of 36 dwellings per hectare (dph) which is not out of character with the locality given that approval LU/116/13/ to the south-west of the application site for 63 dwellings has a density of 37dph and the development of 3 properties at Knightscroft (LU/131/16/PL) had a density of 30 dwellings per hectare. It is considered the proposed development does not constitute overdevelopment of the site and is in keeping with the established character and appearance of the locality. The site will be surrounded by a high density residential development to the south and north. The layout of the houses has been arranged to front Toddington Lane which will reflect the orientation of the existing dwelling and that to the east. Much of the new development is terraced and semi detached, but the detached dwellings proposed would not have significant gaps to the side boundary and would not therefore be discordant with the general pattern of development.

The scheme originally submitted related to 5 dwellings with brick elevations. The design of the properties has now been amended to incorporate additional detailing to the front elevations comprising a mix of tile hanging, weatherboarding and brick coursing. These changes ensure that the development more closely reflects the design of the dwellings opposite and that of the new wider development generally and are now considered to be in conformity with national relevant emerging and adopted local plan policy. Condition 17 will provide further control to ensure that the materials used and their design details harmonise with surrounding development.

HIGHWAY MATTERS

The proposal is to provide individual access from each plot onto Toddington Lane and each dwelling has either a detached or integral garage and driveway. The County Highways officer has no objection to the proposal in terms of parking provision, layout or highway safety.

RESIDENTIAL AMENITY

The nearest residential property to the east is 4.8m from the side elevation of the end plot and does not project significantly beyond its rear elevation. The dwellings to the north are 10m from the rear boundary and this combined with 8m - 10m gaps behind the rear elevations of the proposed dwellings and the boundary provides an acceptable distance to preclude any materially adverse overlooking or overbearing effects. The property to the west will side onto the proposed development and will be located 15m from the boundary. No primary habitable first floor windows are proposed at first floor level in the side elevations of the dwellings and therefore no materially adverse direct overlooking would result to dwellings to the east or west.

Any additional side facing windows proposed at first floor level on the side elevations of the dwellings on the site perimeter are recommended to be controlled by condition requiring them to be obscurely glazed and fixed shut.

Given the above it is considered that the 5 dwellings would not result in unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours and therefore are deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

SPACE STANDARDS

The layout includes dwellings with rear gardens which with the exception of the most westerly plot, which is in accordance with the garden area required, measure at least 10m deep and generally achieve rear garden areas which exceed those identified within policy D DM3 of the Emerging Local Plan. The layout also provides dwellings which have an internal floor area which exceeds those specified within the Nationally Described Space Standards. The dwellings are considered to result in a good standard of amenity for future occupiers in accordance with Paragraph 17 of the NPPF.

HIGHWAYS

County Highways have no objection to the proposal in terms of parking or access.

SUMMARY

The site is located in the centre of an area undergoing comprehensive residential re-development and will be able to utilise the new transport links and amenities being provided.

The proposed development is considered to accord with relevant development plan policy and as such is recommended for approval subject to the following conditions.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Site Plan 17/4430/5

Type A Floor Plans 17/4430/1

Type A Elevations 17/4430/2 received 23-10-2017

Type B floor Plans 17/4430/3

Type B Elevations 17/4430/4 received 23-10-2017

Site Plan 17/4430/5 received 23-10-2017

Location , Street Scene and Externals 17/4430/6 received 23-10-2017

Type A, Plot 1 17/4430/7

Type A, Plot 3 17/4430/8

Type B, Plot 5 17/4430/9

Location, Street Scenes and Externals

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.

- 3 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :

a. An indicative programme for carrying out the works

b. The arrangements for public consultation and liaison during the construction works.

c. Measures to minimise the noise (including vibration) generated by the construction process to include, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.

d. Detail of any flood lighting, including location, height, type and direction.

e. The parking of site operatives and visitors

f. Loading and unloading of plant and materials

g. Storage of plant and materials used in construction and development

h. Wheel washing facilities

i. Measures to control the emission of dust and dirt during construction

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access which could compromise highway safety.

- 4 Whilst the site is under construction no machinery, vehicles or plant shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site except between the hours of 07:00 and 18:00 on Mondays to Fridays inclusive, 07:00 hours and 13:00 hours on Saturdays and not at any time at all on Sundays or Bank Holidays.

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32

- 5 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Toddington Lane in

accordance with plans and details submitted to and approved in writing by the Local Planning Authority. 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.

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

- 6 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

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

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy GEN7 of the Arun District Local Plan.

- 9 The first floor windows on the west elevation of the most westerly plot and the east elevation of the most easterly plot of the proposed dwellings shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 10 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the west or east elevations of the dwellings hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 11 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to Plot 1 shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 12 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations,

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 until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 13 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

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: C753 Chapter 32. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 14 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

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: C753 Chapter 32.

- 15 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the

completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 16 No development above damp proof course (DPC) level shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

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

- 17 INFORMATIVE: Drainage Engineers advise that 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 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 winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 18 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 19 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.

LU/249/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

BE/180/16/PL Received: 31-08-17	Land adj to 2 North Bersted Street Bognor Regis 1 No. dwelling. This application affects the setting of a Listed Building. Written Representations PINS Ref: APP/C3810/W/17/3178726
BE/77/16/OUT Received: 09-01-17	Land West of New Barn Lane Bersted Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan. Public Inquiry 26-09-17 PINS Ref: APP/C3810/V/17/3166900
K/5/17/HH Received: 17-08-17	Kingston Manor Kingston Lane Kingston Construction of a Detached 6 Bay Barn with Log Store Written Representations PINS Ref: APP/C3810/W/17/3175616
K/6/17/L Received: 17-08-17	Kingston Manor Kingston Lane Kingston Application for Listed Building Consent for construction of a Detached 6 Bay Barn with Log Store Written Representations PINS Ref: APP/C3810/Y/17/3175623
R/64/17/PL Received: 19-10-17	St. Marys Close Hurst Road Rustington Demolition of 1 No. dwelling & erection of 4 No. dwellings. This application affects the character & appearance of the Station Road, East Preston Conservation Area. Written Representations PINS Ref: APP/C3810/W/17/3182585
Y/80/16/OUT Received: 28-06-17	Land to the South of Ford Lane East of North End Road Yapton Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space & strategic landscaping & 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. Resubmission of Y/60/14/OUT. This application is a departure from the development plan, affects the character & appearance of the Church Lane Yapton Conservation Area & affects the setting of a listed building. Public Inquiry 12-12-17 PINS Ref: APP/C3810/W/17/3170059

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 18 November 2017

Subject : Updated guidance on dealing with Non-Material Amendments

Report by : Neil Crowther

Report date: 1 October 2017

EXECUTIVE SUMMARY

The report sets out an updated criteria against which the validation of applications for Non-Material Amendments will be accepted and/or applications determined.

RECOMMENDATIONS

Members are requested to agree the following;

The Council will not accept any of the following as Non-Material Amendments if;

- The proposal would amend the use or intensity of the original planning permission, would result in a change to the description of the application or conflict with any conditions of the permission;
- The application site area (red line) differs from the original application
- Adopted planning policy is breached;
- The planning obligation on the original permission is affected;
- Windows are introduced that could potentially permit overlooking of other properties;
- The proposal would result in changes to the external details that would materially alter the appearance of the building;
- Amendments that would warrant re-consultation either of neighbours, council departments or statutory bodies;
- The proposal results in an increase in height of the building, of more than 0.3 metres;
- The proposal results in an increase in width/length of more than 1.0 metre;
- The development moves more than 1 metre in any direction.

1.0 INTRODUCTION

- 1.1 Non Material Amendment applications were introduced in 2009 in order to formalize amendments to planning permissions. These approvals did not grant new planning permissions as any proposals to be covered by such applications were to be insignificant (non-material). However, there has never been any statutory definition of 'non-material' because this may be dependent on the scale of the original proposals as well as a number of other factors.
- 1.2 Therefore, in April 2012, in order to try and provide some guidance, a report was presented to Development Control Committee (DCC) setting out circumstances which would not be appropriate to be considered as Non-Material Amendments (NMA). These included;
- a) The proposal is likely to affect neighbours or an aspect of the scheme where there were objections raised at planning application stage by neighbours or the Local Town or Parish Council.
 - b) There has been a complaint/enforcement action taken regarding non compliance with approved plans.
 - c) The proposal involves changes to the position of any site boundary
 - d) The proposal results in an increase in height of the building, of more than 1.0 metre (householder in particular, may not be so critical for larger/commercial developments)
 - e) The proposal results in an increase in width/length of more than 1.0 metre (householder in particular, may not be so critical for larger/commercial developments)
 - f) The proposal involves a change to more than one of the materials
 - g) The proposal involves a change of house type
 - h) The site is within a Conservation Area and the proposal would be visible from a public viewpoint
 - i) The proposal involves changes to the width, location and/or visibility splays to an access on a classified road.
- 1.3 The reasons for this updated report are;
- i. The guidance that accompanied the 2009 amendment to the Planning Act that introduced NMA application has since been superseded.
 - ii. Since 2012, a number of local authorities have attempted to define similar circumstances/criteria for accepting NMA applications.
 - iii. Whilst the 2012 guidance for Arun has worked well, there have been recent instances where more than insignificant amendments have been approved under the NMA route.
- 1.4 In respect of iii. above, this has impacted upon confidence in officers to deal with such proposals under delegated authority and affected the reputation of the Council. It is therefore considered that, in order to retain the necessary delegated authority,

updated clear guidance is required to be adopted to avoid these unacceptable decisions being taken in future.

- 1.5 The guidance referred to in 1.3 above was superseded by the National Planning Practice Guidance in March 2014. While again not providing a formal definition of 'non-material', this states;

'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.'

- 1.6 Because no guidance exists on what should or should not be considered through an NMA application, it is necessary to produce some form of guidance locally to guide officers and applicants. It is considered that the criteria set out in April 2012 is broadly sound and has generally robust. However, since this time a number of other local planning authorities have produced similar guidance and I have considered these in conjunction with our previous guidance and have produced an updated set of criteria for accepting as valid an NMA application.
- 1.7 By definition, a NMA should be insignificant and this should be the first criteria in assessing whether to accept an NMA. It should also be wholly within the scope and description of the original planning permission granted – an NMA cannot amend the use or intensity of the original planning permission as this would result in a change to the description of the application. If these fundamental criteria are satisfied, then there should never be any instances where an NMA would breach any planning policy that the original permission did not.
- 1.8 If the planning permission was accompanied by a planning obligation, then any NMA should not affect this obligation in any way in terms of its requirements, levels of contributions, triggers for delivery etc.
- 1.9 Any changes that would result in a need for a new round of consultation or which might introduce additional residential amenity issues will not be accepted as NMA applications. Also, any changes to the site area or more than insignificant changes to the siting of buildings or the height of buildings will also not be accepted.
- 1.10 Whilst it is considered that the agreed criteria in April 2012 were robust and should have adequately provided a framework for officers and applicants, there have been isolated errors and there is now also further guidance from other authorities. It is considered that the updated criteria below adds further certainty that will ensure that all applications for NMA's are uncontroversial and are correctly dealt with under the regulations with adequate decision making recording.

- 1.11 Proposals that would not accord with the criteria below would be required to submit planning applications for a variation of conditions or a new revised planning permission. These would be consulted and determined in the normal way.

2.0 PROPOSAL

- 2.1 The Council will not accept any of the following as Non-Material Amendments if;

- The proposal would amend the use or intensity of the original planning permission, would result in a change to the description of the application or conflict with any conditions of the permission;
- The application site area (red line) differs from the original application
- Adopted planning policy is breached;
- The planning obligation on the original permission is affected;
- Windows are introduced that could potentially permit overlooking of other properties;
- The proposal would result in changes to the external details that would materially alter the appearance of the building;
- Amendments that would warrant re-consultation either of neighbours, council departments or statutory bodies;
- The proposal results in an increase in height of the building, of more than 0.3 metres;
- The proposal results in an increase in width/length of more than 1.0 metre;
- The development moves more than 1 metre in any direction.

Background Papers:

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