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

10 October 2018

SPECIAL DEVELOPMENT CONTROL COMMITTEE

A Special meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 24 October 2018 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Northeast, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

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 pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating :

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

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. 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

5. *PLANNING APPLICATIONS - PAGHAM

To consider the attached reports.

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.

AGENDA ITEM 5

DEVELOPMENT CONTROL COMMITTEE

24th October 2018

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

PAGHAM

Reference

[P/6/17/OUT](#)

Development Description

Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application is a Departure from the development plan

Location

Land North of Hook Lane
Pagham

Case Officer:

Mr D Easton

Recommendation:

App Cond sub to S106

PAGHAM

Reference

[P/134/16/OUT](#)

Development Description

Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks - Departure from the Development Plan. This application also falls within the parish of Aldwick

Location

Land North of Sefter Road & 80 Rose Green Road
Pagham

Case Officer:

Mr D Easton

Recommendation:

App Cond sub to S106

PAGHAM

Reference

[P/140/16/OUT](#)

Development Description

Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a

Location

Land South of Summer Lane & West of Pagham Road
Pagham

scout hut, safeguarding of land to help link the site to the Paghham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved. This application is a Departure from the Development Plan

Case Officer: Mr D Easton

Recommendation: App Cond sub to S106

PLANNING APPLICATION REPORT

REF NO:	P/6/17/OUT
LOCATION:	Land North of Hook Lane Pagham
PROPOSAL:	Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application is a Departure from the development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission for all matters reserved except access for the construction of up to 300No. new homes, care home of up to 80No. beds, D1 uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.
SITE AREA	Approximately 17.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 17.14 dwellings per hectare (based on overall site area). 30 dwellings per ha based on net developable area.
TOPOGRAPHY	Predominantly flat.
TREES	Trees are situated along the boundaries of the site. No trees of any significance are affected by the proposed development.
BOUNDARY TREATMENT	The western and northern boundaries of the site feature mature trees and hedgerow planting of between 2 and 5 metres in height. The eastern boundary (adjacent to Hook Lane) primarily consists of hedgerow planting measuring approximately 2m in height. However, there are portions of the eastern boundary which feature hedgerow planting measuring <1.2m and sections which are devoid of any hedgerow planting.
SITE CHARACTERISTICS	The existing land use is a greenfield site in agricultural use, adjacent to the built up area boundary of Pagham. The application site is situated to the east of Pagham Road and measures approximately 17.5 hectares. Further agricultural land is situated to the west of the application site, with the Pagham Harbour situated approximately 1.9km to the south-west.

Pagham Road runs along the western boundary of the site, with Sefter Road to the north and Hook Lane to the east and south-east. The site is identified as falling within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site identified as Flood Zone 2.

CHARACTER OF LOCALITY

The locality of the site is predominantly rural in character but on the edge of the a built up area. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and bungalows of various designs and styles which are set back from the highway. A cluster of two storey residential development is situated to the north-west of the application site.

Bus stops are situated along the western boundary of the site along Pagham Road.

No comments.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

Objection:

1] The applicant has not provided any information related to the economic impact that this development would have on the area, either during the development phase or ongoing. The lack of information in this area is significant as it is considered that this development is likely to have a significant negative impact on the two major industries in the area - tourism and agriculture.

- Development would have a negative impact on the attractiveness of the area for tourism during development and after completion.
- Development would impact on number of visitors to the village.
- Loss of prime agricultural land would have a major impact on the other main local industry - farming.
- Lack of employment opportunities in the area.
- The economic benefit during development would be short lived and is in no way supporting sustainable economic growth.
- Only employment benefit would be from the new primary school.

2] Proposal conflicts with paragraph 28 of the NPPF.

3] Impact of development upon Pagham Road is unacceptable.

4] Application site is not sustainably located.

5] Limited information has been provided in relation to the design of the homes to be provided.

- The type and density of housing proposed would be at odds with the existing character of the village and does not reflect the local needs as clearly identified in the Pagham Neighbourhood Plan.
- The demographics of the area clearly identify a need for housing to suit the more elderly residents who choose to live in Pagham because of its sympathetic environment.
- The survey work undertaken in the preparation of the Pagham Neighbourhood Plan identified 2-3 bedroom bungalows as the type of property most needed.

6] Design

- Density proposed would be out of character with the existing development.
- Development would adversely impact upon street scene.

7] The flood risk assessment and drainage strategy is flawed.

8] Unacceptable harm to the natural environment.

9] Pagham Waste Water Treatment Plant cannot cope with current discharges.

Further response from Pagham Parish Council received 23/5/18 setting out concerns in relation to loss of landscape character and adverse impact on the landscape character. Also that the site cannot be adequately mitigated in visual terms.

OVING PARISH COUNCIL

Objection on the basis that it will add significant traffic on the Pagham Road which in turn will affect Marsh Lane and Vinnetrow Road so exacerbating the existing rat runs that are already a problem for these roads.

631 letters of objection. Below is a summary of the key objections raised:

Sustainability

- Development is unsustainable.
- Loss of tourism.

Agricultural land

- Development will result in a loss of high grade agricultural land.
- Land should be retained for agricultural purposes.
- Farmland is required for food production.

Design and visual amenity

- Development will adversely impact upon existing character of the locality.
- Development will adversely impact upon strategic gap.
- Development will adversely impact upon rural character.
- The area will become overdeveloped.
- Development will reduce quality of life.
- They remove amenity value in reducing open space.

Development Plan

- Not in line with neighbourhood plan.

Surface water and drainage.

- Site is vulnerable to flooding.
- Fields and roads flood regularly.
- Existing drainage will not cope.
- Pumping station cannot facilitate the development.

Highways

- Roads are heavily trafficked and congested.
- Roads are overloaded in peak hours.
- Lack of jobs in Pagham result in high levels of commuting.
- Roads are inadequate and dangerous.
- HGV lorries make using the roads difficult.
- Pagham Road does not feature any pavements.
- Roads are hazardous for cyclists.
- The development will cause more problems to Pagham Road.
- Issues regarding A27 should be resolved before development takes place.
- Sefter Road is a B road and not suitable to sustain extra traffic from the development.
- The application lacks detail on how it will support sustainable transport.

Infrastructure

- School is currently oversubscribed.
- Doctors' surgery is not able to accommodate existing demand.
- Dentist surgeries are at a full capacity.
- Internet connection in Pagham is poor.
- Insufficient infrastructure to cope with proposed development.
- Lack of employment opportunities for proposed development.
- Poor access to public transport.
- Waste management inadequate to deal additional households.
- Water supply and pressure is overstretched and Insufficient.
- Adverse impacts upon local businesses due to surrounding development.

Biodiversity and Ecology

- Development will result in loss of ecology.
- Development will adversely impact upon SSSI.
- Loss of land currently home to Pagham Ponies Club.
- The land is an important area for migratory birds.
- The area is rich in archaeological remains.
- Development will result in an increase in air pollution.
- The farmland is a breeding ground for Brent Geese.
- Development should be on brownfield sites.
- The development will increase the loss of dark skies.

Non-material

- Loss of views.
- After Brexit the number of immigrants will decrease making more homes available.
- Development will reduce quality of life.
- Development has already been refused on this site in the past.
- Residents should not have to live opposite buildings sites.
- Drainage ponds on site 6 didn't operate as planned.

Petition signed by 1220 residents objecting to the proposed development.

2 letters of support

- Need housing for future generations.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered further in the conclusion to this report.

CONSULTATIONS

Highways England

WSCC Strategic Planning

Surface Water Drainage Team

Parks and Landscapes

Economic Regeneration

Head of Planning Policy & Cons

Planning and Housing Strategy

Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Natural England
Ecology Advisor
Environment Agency
Archaeology Advisor
Environmental Health
Southern Water Planning
Environment Agency
Archaeology Advisor
Ecology Advisor
Chichester District Council

CONSULTATION RESPONSES RECEIVED:

HOUSING STRATEGY AND ENABLING MANAGER

Comments received 31.01.18

- The Council would not support capped percentage transfer values to a provider of affordable housing being applied to the affordable housing dwellings.
- Given the suggested mix of sizes for the properties, the scheme cannot be supported.

HIGHWAYS ENGLAND

Comments received 27th January 2017:

The cumulative traffic impacts of these sites (P/134/16/OUT, P/140/16/OUT & P/6/17/OUT) on the A27 junction of Whyke and Bognor Regis have not yet been determined. We are now working closely with all three applicants consultants but have some way to go before we understand the implications and hence required mitigations at both junctions. Accordingly, we would respectfully request that your Council refrains from determining these applications until such time as we can agree with the applicants the impacts and mitigations required and thereby the required contributions for each towards delivering those mitigations.

Comments received 21st February 2018:

- The improvements at the A27 Whyke junction will be funded by a contribution to Highways England.
- We are requesting a contribution aligned with the most likely cost divided by the number of proposed dwellings equating to £850 per dwelling, which totals £883,150.
- In terms of individual sites Highways England is looking to secure the following amounts;
P/6/17/OUT - £255,000

Comments received 18th April 2018:

- Following our liaison with the applicant, we have now received confirmation that the applicant has agreed to contribute £255,000 towards the proposed mitigation improvements at the A27 Whyke Hill junction. As such, Highways England is now satisfied that the development proposals can be achieved, subject to certain necessary s106 conditions.
- On the basis that it has been agreed that Arun District Council will enter into a Section 106 Agreement with the applicant to the effect that 'prior to the commencement of the development hereby permitted the applicant will enter into a s278 Highways Agreement with Highways England for a contribution of

£255,000 towards the improvement of the A27 Whyke Hill junction as shown on RPS drawing JNY8840-19 Revision B (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority in consultation with Highways England).

- Provided that it will be a term of the Highways Agreement that not more than 10 dwelling units will be occupied until the Highways England Contribution has been paid to Highways England.

SUSSEX POLICE

Comments received 13th February 2017:

- Guidance for designing out crime provided - no objection raised.

Comments received 13th August 2018:

- Request for contribution towards infrastructure of £47,108

WSCC STRATEGIC PLANNING:

Comments received 27th September 2017:

- The local highway authority (LHA) has reviewed the three cumulative transport assessments submitted in support of the current planning applications in Pagham. The cumulative transport assessments (CTA's) have been prepared in accordance with current best practice and the scope has been agreed with the LHA. Whilst, the majority of the conclusions within the CTA's are broadly comparable, there are still in certain places quite notable differences as to the anticipated future operation of the junctions. The most notable of these is the Pagham Road/Sefter Road. A further review of the operation of this junction by the developers is necessary.

- For those junctions where mitigation is required, the proposed works or contributions are considered acceptable in mitigating the severe residual cumulative impacts of the development.

Comments received 14th February 2018:

There are a number of additional matters that require further information;

- Investigate the form of vehicular access onto Pagham Road, and determine if a priority junction could be implemented. This should be supported with a Priority Intersection Capacity and Delay (PICADY) assessment and Stage One Road Safety Audit.

- Undertake a design audit for the Pagham Road junction, and identify and apply for Departures from Standard.

- Confirm the number of vehicular accesses proposed onto Hook Lane.

- Revise the location of pedestrian access points onto Hook Lane, if these are to be approved as part of the current outline permission.

- Investigate the future year growth rate to ensure that this accounts of traffic growth as part of the adopted Chichester Local Plan and that proposed as part of the draft Arun DC Local Plan.

- Undertake sensitivity tests upon local junctions given the possible traffic routing resulting from the provision of a through road within the site.

- Provide details of the geometry used for the modelling of the Pagham Road/Lower Bognor Road junction, and revise the modelling accordingly if the geometry is incorrect.

- Provide copies of the modelling outputs directly to the LHA.

Comments received 27th March 2018:

The submitted cumulative assessments have tested the capacity impacts of a development of up to 980 dwellings as jointly proposed at applications at Sefter Road, Hook Lane, and Summer Lane. The assessments also incorporate additional background traffic from permitted developments in the local area along with that from other potential developments including that at Church Barton Farm and West of Bersted. Viewed against the information presented and the National Planning Policy Framework, the LHA are satisfied that the combined impacts of the development would not give rise to residual severe highway impact. There are certain matters that will need to be concluded as part of the individual planning applications and associated s106 agreements.

Comments received 12th April 2018:

- The revised vehicular access arrangements are considered acceptable. There are outstanding matters relating to accesses for non-motorised road users. These should be secured via condition. These details should also specifically account for the potential access across to the proposed development on the north side of Sefter Road if this is also permitted. It would be expected for details of these arrangements to be included as part of any reserved matters submissions.
- It is apparent that both site accesses are forecast to operate well within theoretical capacity. Even if some development traffic re-routes, the overall impact will be very low. In conclusion the LHA are satisfied that this development viewed alone would not result in any severe capacity impacts.
- If the LPA are minded to approve this application, conditions, informatives and s106 obligations are recommended.

WSCC FLOOD RISK MANAGEMENT:

Comments received 14th February 2017

- Modelled surface water flood risk - low risk
 - Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.
- Modelled ground water flood risk susceptibility - high risk
 - The area is shown to be at high risk of ground water flooding based on current mapping.
- Records of any historic flooding - yes
 - We do not have any records of historic flooding within the confines of the proposed site but in June 2012 Hook Lane and the surrounding area suffered extensive flooding.
- Ordinary water courses on site - yes
 - No development should take place within 3m of any ordinary watercourse.

ECONOMIC DEVELOPMENT

Comments received 15th February 2017

- Economic development has no objection to this application. We would ask the eventual developer signs the Arun Developer and Partner Charter and works with the Economic Development Team to run an event to encourage local businesses to be involved in work on and supplying the development as well as producing and implementing a Work and Skills Plan.

SUSSEX POLICE - COMMERCIAL PLANNING MANAGER

Comments received 21st February 2017 and updated 13 August 2018:

S106 contributions requested and incorporated in the heads of terms.

ENGINEERS (DRAINAGE)

Comments received 22nd February 2017

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

GREENSPACE

Comments received 9th March 2017:

- We would require confirmation of the areas of public open space being proposed with this development. The minimum open space area requirement for a site of this size would be 2.3 Ha. The open space indicated would appear to be largely in periphery locations which would allow for the protection of existing significant trees, particularly those situated to the east of the development.
- With the number of dwellings on this proposal being up to 300no this would trigger the need for onsite LEAP and LAP along with Multi Use Games area (MUGA) and NEAP contributions in addition to landscaped open space areas. Confirmation of what is to be proposed for play provision to be provided which we would request confirmation of S106 monies would be sought if provision for play is not met on site at a rate of £1000.00/dwelling to be allocated to local offsite play enhancement.

- The detailing of this to be approved by the LPA. Detail of 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 LA. Section 106 monies in addition for infrastructure to be concluded. A management plan would be sought for the forward maintenance of the public open space, detailing regime and responsibility.
- The landscape proposals will need to make provision for new planting that will subsequently reinforce screening of the site, improve biodiversity and enhance the landscape character of the site and its surroundings and that are subsequently considered to fully comply with Saved Policies GEN27 and GEN 28 and emerging Arun Local Plan Policies.
- A tree survey relating to existing trees would need to be undertaken. Tree protection fencing requirements to be identified and the tree protection plan to be conditioned with any permission. Any significant existing trees and those along the western boundary edge must be protected during the works if identified to provide good visual amenity in addition to their biodiversity importance. Any trees that have the potential for a long life expectancy, with potential to become a prominent feature within the landscape and are worthy of protection, must be provided with adequate fencing according to the BS5837 (2012) Provision for fencing according to each of the trees' correct and calculated root protection area must be erected prior to the commencement of any development activities.

NATURAL ENGLAND

Comments received 10th March 2017

- Internationally and nationally designated sites - no objection
 - The application site is in close proximity to the Pagham Harbour Special Protection Area (SPA) and Ramsar Site, and there has the potential to affect their features. It is also notified as a national level as Pagham Harbour SSSI.
 - In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
- In advising your authority on the requirements relating to the Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based upon the information provided, Natural England offers the following advice:
 - The proposals are not necessary for the management of the European site;
 - Natural England agrees with the conclusions of the Arun Local Plan Habitat Regulations Assessment (HRA) Stage 23, in that development at this site could have a likely significant effect on Pagham Harbour SPA/Ramsar in combination with other housing development, in respect of recreational disturbance and water quality impacts.
 - However, provided there is capacity at Pagham Waste Water Treatment Works (WwTW) and appropriate financial contributions are secured for strategic mitigation, a likely significant effect can be avoided, and can therefore be screened out from any requirement for further assessment.

Comments received 27th March 2017

- No further comments to make.
- For clarification regarding water quality issues and Pagham Waste Water Treatment Works (WwTW), it is for Southern Water to advise whether there is sufficient capacity to remain within permit discharge limits at the works and accommodate growth. If Southern Water state that the housing applications coming forward can be accepted at Pagham WwTW whilst remaining within existing discharge permits, we are satisfied that there will be no likely significant effect on the SPA/Ramsar Site.
- Pagham Rife is a Water Framework Directive (WFD) waterbody, and therefore, a WFD assessment will be necessary against the requirement to avoid deterioration in the quality of the waterbody. The Environment Agency will be able to advise on water quality objectives under the WFD.

Financial Contribution

- Appropriate financial contributions should be made to the Pagham Harbour strategic access management and monitoring project. This strategic approach to mitigating recreational disturbance resulting from new residential development around Pagham Harbour takes the form of a package of measures comprising wardening in perpetuity to encourage responsible use of the harbour; a dog project including website and events; contribution to signage and interpretation; and monitoring.
- Additional housing to meet the district's objectively assessed need is being considered through the Local Plan process, and is assessed in the Arun Local Plan HRA Stage 3 report. This report sets out (paragraph 5.2.27) the proposed scaled-up level of mitigation to address these increased housing numbers (including the housing proposed at the Hook Lane site). Therefore, Natural England is satisfied that provided contributions are made to the, scaled-up level of mitigation, a likely significant effect from increased recreational disturbance can be ruled out.
- Natural England notes that 6.65ha of greenspace is provided, with a walking route and dog exercise area. Our view is that green infrastructure measures on their own are insufficient to avoid a likely significant effect from recreational disturbance to Pagham Harbour SPA/Ramsar site. However, attractive greenspace within the development site, which allows dog owners to let their dogs off leads, may take some of the short daily dog walks away from the harbour. It would also allow the development to comply with policy ENV DM2 in the emerging Arun Local Plan, which requires measures on- and off- the SPA.

Potential loss of functionally linked habitat

- Dark-bellied brent geese forage within, and on land near to, Pagham Harbour SPA/Ramsar site. Where the geese regularly forage on land outside the SPA/Ramsar site, this land may be considered functionally linked to the SPA/Ramsar by providing supporting habitat. Its loss should, therefore, be considered in any in combination assessment of impacts under the Habitats Regulations.
- Natural England is satisfied that the application site is not likely to be regularly used functionally linked habitat for brent geese. This, and the availability of other agricultural land nearer the SPA, lead us to conclude that the proposal would not lead to a likely significant effect through loss of supporting habitat.

Water Quality

- The Arun Local Plan HRA Stage 3 report, identifies that development in this location has the potential to impact the water quality of Pagham Harbour SPA/Ramsar site. Pagham waste water treatment works (WwTW) serves the Pagham area, and discharges to Pagham Rife, which feeds into the SPA/Ramsar site.
- Natural England recommends that a condition be included in any permission for the application, such that a detailed SuDS strategy is submitted for approval, which should include elements to address both water quality and volume of run-off.

SSSIs

- Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, and subject to the comments above, will not damage or destroy the interest features for which the Pagham Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Comments received 4th October 2018

In relation to the Habitat Regulations Assessment (Regulation 63 of the Conservation of Species and Habitats Regulations):

Natural England concurs with the HRA Report (EPR, September 2018) that the proposal is likely to have a significant effect on Pagham Harbour SPA/Ramsar through increased recreational disturbance and water quality impacts, in combination with other plans or projects.

We agree with the conclusions of the Appropriate Assessment, that mitigation measures are available to avoid an adverse effect on the integrity of the SPA/Ramsar. However, our view is that mitigation for

surface water quality is required in addition to those set out in the HRA Report. Therefore, the following mitigation measures should be secured:

- Financial contribution to the Pagham Harbour SAMM Strategy;
- Greenspace totalling 6.65ha within the development site, managed to provide recreational space for people and their dogs. A costed 25 year management plan should be produced, with a suitable management company identified.
- Development should be phased to align with Southern Water's deliver of sewerage network reinforcement.
- A detailed surface water drainage strategy addressing both flood risk and water quality, and including three stages of SuDS treatment, should be produced. A management and maintenance plan should be produced with a suitable management company identified.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

ECOLOGY

Comments received 15th March 2017

- Due to the scale of the site and its location to Pagham Harbour SPA we require a Habitat Regulations Assessment is undertaken for the site to establish if there is any significant effect on the SPA from the proposed development which will need to be mitigated above and beyond the contribution to the Strategic Access Management and Monitoring (SAMM) scheme for recreational disturbance as detailed below.
- Phase one surveys on site have demonstrated that water voles are using ditches within the proposed site. However, the Ecological Appraisal by FCBR (2017) has stated that more surveys need to be undertaken closer to the time of construction to help assess the population dynamics, however we require that these surveys are undertaken prior to determination. Due to the size of the site specific Natural England licence will be required and though two methods have been proposed we require the full details of the chosen methodology so we can ensure the mitigation would be suitable for the site. We would not recommend that these further surveys are conditioned as depending upon the findings, the site layout may need to change to accommodate the requirements of the mitigation strategy.
- The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats.
- 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.
- The reptile survey has shown that there is a moderate population of reptiles' onsite. Due to this mitigation has been proposed within the Ecological Appraisal by FCPR (2017) and we are happy that the proposed mitigation is suitable and this can be conditioned.
- Further details of reptile mitigation should be included within a Construction and Environmental Management Plan (CEMP) and a condition should be used to ensure this takes place.
- Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.
- Due to the location of the site to Pagham Harbour the majority of the features suitable for resting birds should be retained and enhanced.
- Any works to trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March and 1st October.
- Chichester District Council have identified that net new dwellings within a 3.5km zone of influence around the Pagham Harbour SPA boundary will increase the number of visitors to the SPA. Natural England have advised both Arun and Chichester DC that increased visitor numbers in combination with all other developments in the zones of influence in the two districts will have a likely significant effect on the SPA unless there is a strategic scheme of avoidance/mitigation measures. Therefore, a contribution towards the SAMM will be required and should be payable at commencement in order to ensure that avoidance measures are in place before occupation.

ARCHAEOLOGY

Comments received 27th March 2017

- I agree with the conclusion of the heritage desk-based assessment regarding the likely archaeological potential of the site and the need for this to be evaluated in order that the impact of the development on anything of interest might be properly mitigated. I therefore recommend inclusion of standard planning condition ARC1.

ENVIRONMENTAL HEALTH

Comments received 5th April 2017

- Environmental Health have no real overall objections to this application.
- With regard to noise, we would require further information when the specific planning applications come in to ensure that all outside amenity spaces are below the WHO guidance value of 55dB. It appears from one of the noise contour maps that there is some encroachment of the 55dB line over the areas where residential properties are proposed. We would also require the mitigation measures proposed in the report (Noise Assessment December 2016 Ref: 10461).
- Please include Construction Management Plan condition on any permission granted.

SOUTHERN WATER

Comments received 15th May 2017

- A public pressurized foul sewer (rising main) crosses the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.
- It might be possible to divert the public sewers, so long as this would result in no unacceptable loss of hydraulic capacity and the work was carried out at the developers expense to the satisfaction of Southern Water under the relevant statutory provisions.
- Southern Water requests that in order to protect drainage apparatus, a condition is attached to any planning permission.
- Our initial investigations indicate that Southern Water cannot provide foul sewage disposal to service the proposed development. The wastewater discharged from the proposed development will be drained to Southern Water's Summer Lane, Pagham wastewater treatment works. The works currently does not have the capacity to accommodate flows from the proposed development. Where development has been identified and allocated for future development by the Local Planning Authority, Southern Water will attempt to ensure capacity is available to serve these developments.
- The applicant is advised to examine alternative means of foul sewage disposal.

CHICHESTER DISTRICT COUNCIL

Comments received 8th August 2017:

- The traffic generated by the development proposed would, without effective mitigation, result in a severe impact on the roads and junctions within Chichester District, particularly the A27/B2145 junction (Whyke Roundabout) and the A27/A259 junction (Bognor Road Roundabout) on the trunk road network, and the Runction and North Mundham/Hunston roundabouts on the WSCC road network. Mitigation should be secured through the local plan or on a bespoke basis for additional development. Chichester District Council would expect Arun District Council to adopt the same approach in partnership with WSCC and Highways England.
- CDC preference would be for a comprehensive assessment and mitigation strategy for all development allocated at both strategic and neighbourhood level within the emerging Local Plan (as modified).

TREE OFFICER COMMENTS:

Objection unless requirements below can be met:

- Hedgerow proposed for removal - necessary extent needs to be determined to minimise loss and mitigation to be provided
- Tree Protection Plan required overlaying the final site design layout with supporting Arboricultural

Method Statement where RPA incursion anticipated.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered further in the conclusion to this report.

POLICY CONTEXT

Designation applicable to site:

Policy H SP2a Site SD2 Pagham North

DEVELOPMENT PLAN POLICES

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
INFSP2	INF SP2 New Secondary School
LANDM1	LAN DM1 Protection of landscape character
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD2	Conservation Areas
SPD8	Areas of Special Character

POLICY COMMENTARY

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

The 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.

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.

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).

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. Therefore, policies 1, 3, 8 and 9 are considered relevant to the proposed development.

However, it must be considered that the policies contained within the draft Pagham Neighbourhood Plan

cannot be attributed any weight by virtue of the lack of progress on the plan since consultation took place in 2015 and the adoption of the Arun Local Plan (2011-2031).

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. The proposal is also located in a strategic allocation within the built-up area boundary and accords with policy H SP2 and will cumulatively meet the requirements of H SP2a in conjunction with other strategic allocation applications in Pagham.

The proposal also makes adequate contributions towards necessary infrastructure in accordance with policy INF SP1 of the Arun Local Plan (2011-2031).

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 application site falls within the parish of Pagham and the development plan for the determination of this application comprises the Arun Local Plan (2011-2031). The Pagham Neighbourhood Plan (PNP) is currently under preparation and has reached Reg. 14 stage with the consultation period running from the 2nd October 2015 to the 13th November 2015. The PNP has not been made and as such does not form part of the development plan as defined by section 38 of the Planning and Compulsory Purchase Act 2004.

Arun Local Plan (2011-2031)

The key policy considerations in the determination of this application are considered to be;

Policy H SP1 - establishes the housing requirement within the plan period (2011-2031) of at least 20,000 new homes within the Arun District. This includes SD2 Pagham north (at least 800 dwellings) and SD1 Pagham south (at least 400 dwellings).

Policy H SP2 - identifies that development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design which gives a sense of place.

It is identified that the comprehensive development of the allocation will need to meet the following key requirements;

- a. Integrate appropriately with surrounding communities through an appropriate design particularly where

they adjoin by providing for public realm improvements, shared community uses, and connectivity of transport modes including walking, cycling and public transport.

- b. Ensure a clear and harmonious relationship between town and country including clearly defined boundaries, using physical features that are readily recognisable and likely to be permanent.
- c. Protects, conserves or enhances the natural environment, landscapes and biodiversity.
- d. Incorporate high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces.
- e. Extend, enhance and reinforce strategic green infrastructure and publically accessible open space.
- f. New community hubs where required to be provided, shall be well located taking account of the permeable layout to all transport modes and shall as far as possible cluster retail, commercial and community uses.
- g. Where existing village centres are within or will serve the needs of strategic development sites their improvement as sustainable centres will be required.
- h. Where community buildings are provided these shall be designed and provide for a range of uses such as healthcare, police, faith and community groups.
- i. Integration of community hubs and local centres of an appropriate form and scale into the design and layout of development proposals where identified in the specific allocations policies in H SP2 a-c.
- j. Ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport.
- k. Address the off-site capacity requirements, that related to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network.
- l. Positively respond to sustainable water management taking particular account of the coastal plain topography which may require strategic surface water solutions.
- m. Maintain and enhance any important features, characteristics and assets of the local area.
- n. Provide for the required infrastructure, which relate to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan.
- o. Enable strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District.
- p. Consider inclusion of an area of the sites for self-build and custom build.
- q. Consider the delivery of an area as a site for Gypsy and Traveller accommodation.

Policy H SP2a - identifies the strategic allocation of at least 1,200 dwellings in Pagham over the plan period. This includes allocation SD1 (Pagham South) for at least 400 dwellings and allocation SD2 (Pagham North) for the provision of at least 800 dwellings. The policy requires development proposals to meet the following key design and infrastructure requirements;

- a. Ensure no detrimental impact to Pagham Harbour SPA.
- b. Take into account nearby heritage assets.
- c. Provide a new one-form (expandable to two-form) primary school and nursery places.
- d. Provide a care home facility.
- e. Provide a community hub which includes.
 - shops and complimentary uses.
 - community building (Tier 7 library, D1/sui generis floor space)
 - provision of land for scout hut, and
 - land for an ambulance community response post
- f. Provision of public open space to include children's play areas, landscaping, drainage, and earthworks.
- g. Contribute to the provision of an enhanced local cycle network by making on site provision and appropriate off site financial contributions
- h. Where possible, provide pedestrian and cycle routes to Bognor Regis town centre in order to enhance the sustainability of the site.

In order to establish the principle of the proposed development it will be necessary to assess the proposed development against the policy requirements of H SP1, H SP2 and H SP2a.

The application site is located within the built-up area boundary (BUAB) as defined by policy SD SP2 and forms part of strategic allocation SD2 and seeks outline planning permission for up to 300 dwellings with an 80 bed care home. If the school was located on this site, the number of dwellings would be up to 230. Therefore, this application in conjunction with P/134/17/OUT will equate to a total of 580 dwellings of the 800 identified by strategic allocation SD2 (H SP2a) and is deemed to accord with Policy H SP1 of the Arun Local Plan (2011-2031).

The proposal includes land for a 2FE primary school should it be required. The proposed 2FE school site would accord with H SP2 (c) however the preferred location for the primary school has been identified as Summer Lane (P/140/16/OUT) by West Sussex County Council (WSCC) as this would provide a primary school facility closer to the centre of Pagham.

Planning application P/140/16/OUT has incorporated 2,000sqm of A1/A2/A3/D1/sui generis floor space which would provide a community hub and address the requirements of H SP2 (i) and (f) and H SP2a (e, i) of the Arun Local Plan. Therefore, there is no requirement for the inclusion of a local centre as part of this application although it will be necessary for the development to provide walkable access to local centres and facilities in accordance with policy H SP2 (j) of the Arun Local Plan. The proposal incorporates 3 pedestrian access points onto Hook Lane linking with the existing footpath network and will provide suitable pedestrian access to existing facilities. Therefore, it is considered that the proposed development will enhance integration with existing communities and provide opportunities for walking to nearby facilities and services in accordance with policy H SP2 (g).

Views of the site will be restricted by existing field boundary planting which is proposed to be reinforced with new woodland planting along the northern and western boundaries. Development is also set back from the junction of Hook Lane and Pagham Road through the provision of a green to the south of the site. The application was accompanied by a Heritage Assessment which considered measures to assess any likely archaeological remains and considered that the proposal would have a negligible impact on the setting and significance of designated heritage assets. It has been concluded later in the report that the proposals will not result in any significant impact upon nearby heritage assets. Thus, the proposed development is deemed to accord with policies H SP2 (c), (m) and H SP2a (b) of the Arun Local Plan.

The Council's Ecological Advisor has advised that subject to appropriate conditions the proposed development would not result in an unacceptably adverse impact upon biodiversity or ecology at the site. The application site is situated approximately 1.9km to the north-east of the Pagham Harbour SPA/Ramsar and as such it is necessary, in accordance with the Birds and Habitats Directives, to consider the impact of the proposal upon the integrity of the SPA/Ramsar site. The Local Authority instructed Ecological Planning & Research Ltd (EPR) to undertake a Habitat Regulations Assessment on behalf of the LPA. The Appropriate Assessment has concluded that, providing that the avoidance and mitigation measures are secured and implemented, the development would result in no adverse effect upon the integrity of Pagham Harbour SPA/Ramsar. As such the development is deemed to accord with policy H SP2a (a) of the Arun Local Plan. The proposals compliance with Policy ENV DM2 is considered in detail later in the conclusion to this report.

The Design and Access Statement has demonstrated how green infrastructure has been incorporated throughout the development, with small greens, meadows and linear green features providing buffer planting. The design code masterplan (which will be secured via condition) will need to demonstrate how planting will be incorporated throughout the site. Financial contributions have been secured as part of the S106 agreement towards the enhancement of footpaths 101, 104 and 106 to create an off-road cycle route towards Chichester (via south Mundham). Therefore, it is considered that the proposal will accord

with policy H SP2 (d) and (e) as well as policy H SP2a (f) and (g) of the Arun Local Plan.

A Sustainability Appraisal was undertaken in support of the Arun Local Plan with the site being considered sustainably located. The site is located within acceptable walking distance of existing facilities and those proposed by nearby developments (incorporating a scout hut, primary school and community hub). Bus stops are situated to the south and east of the application site on Hook Lane and Pagham Road within suitable walking distances. Therefore, the proposal accords with policy H SP2 (j) of the Arun Local Plan.

The highway infrastructure improvements, to be secured via the s106 agreement, are considered sufficient and adequate to mitigate against the highways impacts of the proposed development in accordance with policy H SP2 (k) of the Arun Local Plan. This has been considered in greater detail later in the conclusion to this report.

The Council's Drainage Engineers have been consulted in relation to the proposed drainage strategy and no objection has been raised. A total of 6 conditions have been requested and these have been included in the recommendation. This has included the requirement for winter groundwater monitoring to be undertaken prior to the commencement of development. This work will ensure that the detailed drainage design takes account of site specific considerations. Therefore, subject to the inclusion of these conditions it is considered that the proposed development will accord with policy H SP2 (l) of the Arun Local Plan.

A number of financial contributions will be secured towards infrastructure provision via the S106 agreement. These contributions are detailed in the attached Heads of Terms and considered in detail later in the conclusion to this report. However, based upon the contributions to be secured it is considered that the proposals will accord with H SP2 (n) of the Arun Local Plan. The Infrastructure Delivery Plan (IDP) 2017 does not identify the requirement for any district wide infrastructure to be incorporated as part of the strategic allocations at Pagham and as such the proposals does not conflict with policy H SP2 (o) of the Arun Local Plan.

No desire has been expressed by the applicants to incorporate self-build or custom build dwellings at the site and no evidence has been submitted in support of the application detailing any considered of the incorporation of an area of Gypsy and Traveller accommodation. However, policy H SP2 only requires consideration and does not require inclusion and as such the proposal is not considered to conflict with policy H SP2 (p) and (q) of the Arun Local Plan.

As identified above, it is considered that the proposed development will accord with policies H SP1, H SP2 and H SP2a of the Arun Local Plan. Therefore, the principle of the proposed development is considered acceptable subject to accordance with relevant policies contained within the Arun Local Plan and the National Planning Policy Framework (NPPF).

ILLUSTRATIVE LAYOUT AND DESIGN

Policy H SP2 of the Arun Local Plan requires that Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas incorporating high quality imaginative design giving a strong sense of place and a permeable layout. It also requires strategic allocations to (amongst other matters) integrate with the surrounding communities, provide well connected green spaces, provide improvements to existing village centres and deliver infrastructure.

It should be highlighted that this outline application only relates to access with layout, scale, appearance and landscaping being reserved matters. Therefore, the Design and Access Statement submitted in support of the application is only indicative but does show that the site can accommodate the scale of

development proposed whilst providing adequate open space provision and respecting the site's location on the edge of the settlement.

The application is supported by a Design and Access Statement which clearly demonstrates how the indicative layout was arrived at and adequately demonstrates that the proposed development can be efficiently accommodated on site. The Design and Access statement has identified the opportunities and constraints present at the site and responded to these with the design of the development.

The Design and Access Statement shows the sites vehicular access from Hook Lane and Pagham Road along a central spine road with pedestrian accesses being provided onto Hook Lane and Pagham Road. It has been demonstrated that the indicative layout will achieve acceptable walkable access to community, recreational and shopping facilities both within the proposed development and outside of the site boundaries in accordance with H SP2 (f), (i) & (j) of the Arun Local Plan.

The site proposes approximately up to 7.2ha of residential development, 2.4ha for either housing or a school site and 0.4ha for a D1 use (potential for nursery or health facilities as required) and 0.55 ha for a care home or specialist housing for the elderly, with 6.65ha of open space, structural planting and habitats. The design and access statement establishes key principles for the development including permeability, street design, scale and external appearance.

The indicative layout shows the care home and D1 use situated in the southernmost portion of the site with the main route through the site running from the south-western corner to the north-eastern corner of the site, the majority of the residential development proposed is situated to the east of this road. The bulk of the green infrastructure is situated in the north-western corner of the site with open space running through to the eastern boundary. A 20m wider green buffer is shown on the western boundary providing separation between the development and the rural countryside to the west of Pagham Road.

The Design and Access Statement submitted in support of the application identifies that the site will accommodate between 216-300 dwellings (dependent upon the provision of the school and D1 community building), that development will be up to 2 storeys in height with a maximum ridge height of 9.5m which is likely to be acceptable. However, it should be noted that the scale of development is not for determination as part of this outline application.

The proposed development is only considered to have limited impacts on long and medium range views of the site from the west and north despite the limited screening present. These views will be predominantly limited to the roof tops of the proposed dwellings and it should be noted that the existing residential development to the east of Hook Lane already has a similar presence to that of the development proposed.

From Hook Lane to the east of the application site views across the site will be possible. Whilst in places the boundary screening can reach up to 2m in height there are portions of the boundary devoid of treatment or with hedging below 1.2m in height. Therefore, the development proposed will have a significant presence within the street scene when viewed from Hook Lane. However, whilst an impact upon existing views to the west would exist this alone does not result in unacceptable harm to the character of the locality.

The east of Hook Lane for the majority of its length features residential development up to 2 storeys in height and subject to appropriate design the development will appear as an acceptable continuation of the built up area boundary. The existing agricultural field (the subject of this application) is separated from the wider countryside to the west and north by Pagham Road and Sefter Road respectively.

This separation from the open countryside is further enhanced by virtue of the existing residential

development to the north-west of the application site and the Barfoots of Botley site further to the north-west. Additional residential properties and the Mill Farm residential park homes site are situated to the south-west of the site (west of Pagham Road). Therefore, it is considered that the development of the proposed site will not result in unacceptable harm to the semi-rural character of the locality with the proposed development appearing well integrated with the BUAB.

The application was considered at a Design Review Panel (May 2017) which highlighted that the proposal fails to integrate with the existing village along Hook Lane and Pagham Road and that more interconnectivity could be introduced between the site and surrounding streets. The Panel also highlighted that the internal movement network needed to be further refined, green spaces reworked to redistribute the spaces more evenly across the site. Concern was also raised about the proposed mound within one of the green spaces, as it would be out of character with the location. Scope was also identified for the built form of the development to reinforce and help animate key spaces within the layout.

With layout, scale and appearance being reserved matters it is considered that the Panel comments can be addressed when the detailed layout is designed, as they will need to be balanced against other considerations, for example, the need for hedgerow retention and a noise buffer to Hook Lane.

The LPA will not accept a generic housing estate on the edge of the built up area boundary and the developer will be expected to undertake the necessary work to achieve a development of the highest possible quality which reflects the character of the locality. A condition has been incorporated with the approval requiring the submission and approval by the LPA of a 'Design Code Masterplan' prior to the submission of any reserved matters application. It is a requirement of the condition that this document will reflect the principles established within the Design and Access statement submitted in support of this application in accordance with the comprehensive masterplanning requirements of policy H SP2.

It is considered that the development framework plan in conjunction with the Design and Access statement demonstrates that the development has been comprehensively master planned in accordance with policy H SP2 of the Arun Local Plan.

With layout, scale and appearance being reserved matters there is no requirement at outline stage to undertake a detailed analysis of the indicative information provided. However, it is considered that the indicative information provided adequately demonstrates that the proposed development can be accommodated on the site and designed in a way which will ensure that the established character of the locality is respected in accordance with policy policies D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Given that this application has been submitted in outline and relates to access only it is not possible to make a full analysis of the potential residential amenity impacts of the development. However, it is considered that given the separation distances between the existing residential development to the east of Hook Lane and the separation distances shown on the indicative layout plan to existing residential development to the north-west of the application site there would not be any unacceptably adverse overbearing, overshadowing or overlooking impacts (subject to appropriate design, fenestration arrangements and scale).

It is acknowledged that the proposed development will likely give rise to some adverse impacts upon existing views from nearby residential properties. However, it must be stated that the loss of a private view is not a material consideration in the determination of a planning application.

The impacts of noise upon the residential amenity of future occupiers has been considered in the Noise Assessment (Dec 2016) submitted in support of the application. The report has identified that traffic noise

from Hook Lane, Sefter Road and Pagham Road is the most significant noise source. The site has been identified as falling mostly within acceptable limits. Mitigation measures have been identified to ensure that internal noise levels are acceptable and with the inclusion of window glazing the maximum internal noise level would be 22.7dB during the daytime and 17.4dB at night which accords with BS 8233. The Council's Environmental Health department have been consulted in relation to this application and no objections have been raised.

Some disturbance is anticipated during development of the site and an appropriately worded construction management condition has been incorporated as part of the recommendation. It is considered that such a condition would provide adequate control to minimise disturbance during development.

Therefore, on this basis it is considered that the proposed development would not give rise to any unacceptably adverse harm to the residential amenity of existing nearby residential properties or future occupiers of the site.

Policy QEDM2 of the Arun Local Plan requires proposals which involve outdoor lighting to be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards. The Design and Access Statement includes principles for the design of street lighting which would form the basis for an external lighting scheme. A condition has been included requiring the submission of a scheme for external lighting in accordance with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3. Therefore, it is considered that the proposal will accord with policy QEDM2 of the Arun Local Plan.

Paragraphs 112 - 116 of the NPPF refers to advanced, high quality and reliable communications infrastructure as being essential for economic growth and social well-being. Therefore, it is considered that the provision of broadband for future occupiers on site is essential and as such a condition has been incorporated within the recommendation requiring the submission of a strategy for the provision of broadband to be submitted and approved by the Local Planning Authority prior to the commencement of development.

HOUSING MIX

The application is in outline and has not identified an indicative housing mix for the proposed development. Policy H DM1 states that the tenure mix for development schemes should be negotiated on a case by case basis taking any necessary viability considerations into account. However, it is advised that developments should have regard to the most up to date version of the SHMA (Strategic Housing Market Assessment). The proposal would include a range from 2 to 5 bedroom houses and would include both shared ownership and rented accommodation.

Paragraph 61 of the NPPF identifies that planning policies should secure dwellings of sizes, types and tenures to meet the needs of different groups within the community. This includes but is not limited to, families with children, older people, students, people with disabilities, service families and travellers.

Policy H DM1 identifies a requirement to secure housing that would meet the needs of older people. The 'Updated Housing Needs Evidence - September 2016' (PELVP23) paragraph 5.17 states that there is a requirement to secure both specialist housing for older people as well as residential and nursing home bedspaces (falling within use class C2). The application identifies that the site will accommodate a D1 use Care Home or similar facility. Therefore, it is considered that the development has made provision for older people on site to help in meeting the increasing demand.

However, in addition it is expected that the development should incorporate single floor living such as bungalows or accessible flats. It is expected that any reserved matters application will incorporate such

accommodation to meet the needs of the community.

Therefore, the proposed development is deemed to accord with policies H DM1 and AH SP2 of the Arun Local Plan.

HIGHWAYS AND PARKING

Access Arrangements:

The application when originally submitted proposed three accesses, with the southernmost access onto Hook Lane serving the potential primary school. However, this southernmost access has been removed from the proposal.

Therefore, the application now proposes two accesses to the site with priority junctions proposed to the east (onto Hook Lane) and the west (onto Pagham Road). The vehicular accesses proposed will measure 6m in width reducing to 5.5m as it enters the site. The 6m wide access is sufficient to allow two large vehicles to pass and re-pass and is in accordance with the advice contained within manual for streets. The junction radii have been designed to accommodate the swept path of the largest vehicle which will enter the site on a regular basis (large refuse vehicle).

The application originally proposed a right turn lane for the Pagham Road access. However, it was identified within the initial Stage One Road Safety Audit (RSA) that the right turn lane could be used for overtaking. This alteration (removal of the right turn lane) is shown on drawing number JNY8840-12 Rev A.

The revised vehicular access arrangements have been deemed acceptable by WSCC although it has been identified that the non-motorised accesses remain as an outstanding matter. However, it has been advised by WSCC that this matter (non-motorised accesses) should be resolved via an appropriately worded condition. This would secure extension of the proposed footway along Hook Lane further northward to join the footway proposed under P/134/16/OUT as shown on drawing JNY8840/09D. This condition has been included in the recommendation report.

The proposal also includes the provision of formal bus layby on Pagham Road near the Hook Lane junction.

Policy T SP1 requires that appropriate levels of parking are provided in line with WSCC guidance, including considering the impact on street parking (T SP1). The application is currently for outline permission with all matters reserved save for access. Therefore, parking provision and arrangement will be considered in detail at reserved matters stag, although it is indicated in the Planning Statement that it would accord with the minimum residential parking standards. The Design and Access Statement also details parking provision for both the residential units and the D1 use. It is expected for the applicant to consult with WSCC Highways and consider the WSCC Parking Demand Calculator when undertaking detailed design for the site. It is also a requirement for cycle storage to be provided on site and any garages to be provided on site will be expected to have a have a minimum internal dimension of 3.0m x 6.0m and internal cycle racks or fixing should be provided in garages and properties without garages should be provided with cycle sheds in rear gardens.

Strategic Highways Network:

Highways England have been consulted in relation to the proposed development and a holding objection had been placed upon the development until such time as an appropriate contribution was made to the enhancement of the Whyke Roundabout on the A27 (located to the north of the proposed development).

The financial contributions required for these enhancements have been identified by Highways England but will not be secured as a financial contribution via the S106 Agreement. Instead a non-financial

obligation requiring the developer to enter into a section 278 agreement with Highways England has been secured as part of the s106 agreement.

Cumulative Impacts:

A Cumulative Transport Assessment (CTA) has been prepared in support of this application and it has been prepared collaboratively with those (CTA's) submitted in support of planning applications P/134/16/OUT, P/140/16/OUT and P/6/17/OUT. The scope of the CTA has been the subject of discussion and agreement with the Local Highway Authority (LHA).

The CTA has considered the impact of the proposed development in conjunction with other developments in Pagham on a number of junctions in and around the application sites.

It has been identified by the LHA that a large number of 3rd party objections submitted to the Local Planning Authority (LPA) regarding delays on the B2166 (Pagham Road) arising from slow moving traffic associated with other uses. Whilst, these comments are acknowledged given that these are existing issues on the highways network, it is not the responsibility of the applicants of the current application to resolve.

The three CTA's submitted in support of P/134/16/OUT, P/140/16/OUT and P/6/17/OUT have been considered by the LHA and have been identified as being in accordance with current best practice. The majority of the conclusions within the CTA's are broadly comparable; there were notable difference in the anticipated future operation of the junctions. Most notable of which was Pagham Road/Sefter Road and a further review of the operation of this junction was identified as necessary.

For those junctions where mitigation is required, the proposed works or contributions are considered acceptable in mitigating the severe residual cumulative impacts of the development.

A further technical note has been submitted that reviews the operation of the Pagham Road/Sefter Road junction and this has been considered further by WSCC. The Consultation response (from WSCC) dated the 27th March 2018 considered the revised modelling for the Pagham Road/Sefter Road junction which provided a single model of the junction, with the geometry and traffic flows within this having been agreed by all three applicants (P/134/16/OUT, P/140/16/OUT and P/6/17/OUT).

It was confirmed that the modelled results show that the Sefter Road arm of the junction will start to operate at theoretical capacity in the future without taking into account the proposed development. However, it was identified by WSCC that whilst the development would take the junction over capacity, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Therefore, whilst it was acknowledged by WSCC that drivers will be subjected to additional delays this alone is not considered to constitute a severe impact.

Dougal Baillie Associates - Sensitivity Assessment

The Local Planning Authority in order to ensure that the mitigation measures proposed are adequately robust and mitigate the impact of the proposed development upon the highways network commissioned an independent 'Sensitivity Assessment' undertaken by Dougal Baillie Associates (DBA).

The sensitivity assessment undertaken by DBA confirmed that the proposed mitigation works to the A27 Whyke Hill junction would address the impact of the Pagham developments provided that the works are implemented at the appropriate time. Therefore, the sensitivity analysis was focused upon the following key junctions;

1. B2145/B2166 roundabout;
2. B2166/Vinnetrow Road/Mill Lane roundabout;

3. Pagham Road/B2166 Lower Bognor Road priority junction;
4. Pagham Road/Sefter Road priority junction; and
5. Grosvenor Gardens/Rose Green Road/Nyetimber Lane/Gossamer Lane traffic signals.

The sensitivity assessment in this case has identified that;

1. The junction improvements proposed for junction 1 (above) would not entirely offset the impacts of the Pagham developments. However, relatively modest enhancement of the proposed roundabout approach widening would adequately offset the predicted impact.
2. The proposed physical improvements to junction 2 (above) would be sufficient to offset the cumulative traffic impact of the Pagham sites.
3. The sensitivity assessment revealed that simple signalisation of this junction would not be sufficient to offset development traffic impact, and widening of the southbound approach to two traffic lanes for a distance of 50m would also be required.
4. Signalisation of the existing junction would offset development traffic impact in conjunction with a localised speed limit.
5. The signal timings proposed in the Pagham Transport Assessments would accommodate the additional traffic generated by the proposed developments.

The sensitivity analysis commissioned by the LPA identified supplementary improvements to the following junctions and associated indicative costs;

- B2145/B2166 roundabout - £98,000
 - Pagham Road / Sefter Road - £140,000
 - Pagham Road / Lower Bognor Road - £250,000
- Total: 488,000

In addition to these modified works the following junction improvements identified within the applicants transport assessments are necessary;

- Rose Green Road widening - £81,000
 - B2166/Vinnetrow Rd. widening - £23,000
- Total: £104,000

Following the publication of the DBA sensitivity analysis the developers (for P/134/16/OUT, P/140/16/OUT and P/6/17/OUT) have submitted an amended 'Common Statement of Cumulative Assessments'. Each of the developers has agreed to undertake junction improvement works on behalf of the Local Highway Authority (LHA), as follows;

- P/134/16/OUT - Rose Green Road junction improvement
- P/140/16/OUT - B2166/ B2145 widening
- P/6/17/OUT - B2166/ Vinnetrow Road junction widening

The Common Statement of Cumulative Assessment under table 7.3 identified cumulative contributions for each of the developments taking into account the associated costs of the junction improvements identified within the sensitivity analysis. Therefore, the developments will generate a combined highways contribution of £390,000 and a £100,000 contribution towards improvements of footpaths 101, 104 and 106 to provide a route from Pagham to Chichester via Sidlesham. As such, each developer will make the following adjusted contributions;

- P/134/16/OUT - Land North of Sefter Road - £88,142.29 & Footpath Contribution of £28,572.00
- P/140/16/OUT - Pagham South - £143,632.98 & Footpath Contribution of £40,816.00

P/6/17/OUT - Land north of Hook Lane - £158,224.73 & Footpath Contribution of £30,612.00

The proposed junction improvements go beyond those originally identified and proposed by the applicants and are intended to achieve no net detriment as a result of the additional development traffic. The Community Infrastructure Levy Regulations 2010 set out that a planning obligation must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, it is acknowledged that existing issues are present on the highways network around Pagham but it is not the responsibility of the applicant for this application to resolve these existing issues.

The highway infrastructure improvements, to be secured via the s106 agreement, are considered sufficient and adequate to mitigate against the highways impacts of the proposed development (achieving no net detriment) in accordance with policies T SP1 and H SP2 (k) of the Arun Local Plan.

The financial contributions secured from P/134/16/OUT, P/140/16/OUT and P/6/17/OUT address the highways impacts of the Pagham strategic allocations under policy H SP2a. However, planning application P/25/17/OUT (Church Barton) has not contributed towards the cumulative mitigation strategy although in theory it should. Therefore, as an alternative a financial contribution towards sustainable transport measures has been identified - it is intended for this financial contribution to finance the implementation an off-road cycle route linking Seftor Road and the strategic allocation West of Bersted. The financial contribution is proportional to the scale of development and is deemed to meet the policy requirements of H SP2a (h) of the Arun Local Plan.

EDUCATION

Policy INF SP1 of the Arun Local Plan states that the Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan).

In terms of education provision within the Infrastructure Delivery Plan (IDP) dated February 2017 it is identified that Pagham north and south should make provision of land and contributions towards a new 1FE primary school (expandable to 2FE) to serve Pagham; contributions towards the 10FE Secondary School located centrally within the District; and contributions towards 50 new nursery places to serve Pagham.

The IDP identifies a total cost of £6million for the construction cost of the new primary school and appropriate contributions have been secured from each of the allocated sites in Pagham towards the delivery of the new primary school. West Sussex County Council (WSSCC) in their Section 106 contributions response dated the 24th April 2018 identified a financial contribution of £1,566,600. A 2 hectare site to facilitate the construction of the new primary school will be secured via planning application P/140/16/OUT. The preferred primary school site is suitably located within Pagham and will be accessible by future occupiers of the strategic allocations as well as existing Pagham residents. The financial contribution and school site will be secured via the s106 agreement.

The IDP identifies a total contribution of £1,896,000, from the 1,200 unit Pagham strategic allocation, towards the creation of 50 new nursery places. Therefore, WSSCC have requested a financial contribution of £470,250 from this development, in accordance with the IDP 2017, which will be secured via the s106 agreement.

The IDP 2017 identifies a financial contribution from the 1,200 unit strategic allocations at Pagham north and south of £5.27 million towards the 10FE Secondary school to serve the district (6FE expandable to 10FE). However, WSSCC in their consultation response have requested a calculator based contribution

towards expansion of Felpham Community College. When the secondary and sixth form contribution was discussed by the Pagham Advisory Group, it was questioned as to why the contribution was being directed to Felpham Community College rather than the Regis School. This was raised with WSCC education who advised that with the expansion of Felpham Community College additional capacity would (eventually) be created at the Regis School. However, it was advised that consideration would be given to directing the contribution to the Regis School for extension.

However, it is considered by the LPA that the proposed contribution should be allocated towards the proposed new secondary school identified under policy INF SP2 of the Arun Local Plan. The contribution will be prescribed for the associated feasibility and design work as well as the provision of access to serve the new school. Therefore the proposed contribution would contribute towards the necessary infrastructure identified within the IDP 2017 as required by policy INF SP1.

Therefore, it is considered that the proposed development (in terms of education provision and contributions) will accord with policies H SP2(n), H SP2a and INF SP1 of the Arun Local Plan.

HEALTH CARE PROVISION

Policy H SP2a (e) (iv) requires the strategic allocations at Pagham (SD1 & SD2) to provide contributions towards new healthcare facilities at West of Bersted (SD3) or alternatively where appropriate proposals may make contributions towards new facilities or improvement or expansion of the relevant existing facility, subject to agreement with the Council.

The Consultation response from the Coastal West Sussex Clinical Commissioning Group dated the 20th June 2017 has requested a financial contribution to Grove House GP Surgery for the infrastructure needs of managing GP consultant health care. This proposed project accords with the requirements of policy H SP2a (e) (iv) of the Arun Local Plan and accords with the requirements of the IDP 2017.

However, in order to ensure that the needs of future residents are best met through health care provision the Section 106 agreement has been worded to secure various potential health care solutions. This includes the provision of a new health care facility as part of the West of Bersted (SD3) strategic allocation; the expansion or improvement of Grove House GP Surgery; or the expansion or relocation of Sir Arthur Griffith clinic located in Pagham.

Therefore, it is considered that the proposal would accord with policy INF SP1 of the Arun Local Plan.

ADDITIONAL INFRASTRUCTURE CONTRIBUTIONS

Additional infrastructure contributions have been secured towards libraries, fire & rescue, police and leisure facilities. These financial contributions and the identified projects are deemed to accord with the Community Infrastructure Levy Regulation 123 and meet the demand and need generated by the proposed development in accordance with policy INF SP1 of the Arun Local Plan.

Full details of the contributions secured are provided in the heads of terms attached to this report.

AGRICULTURAL LAND

The Natural England 'Agricultural Land Classification map London and the South East (ALC007)' identifies the site being classified as Grade 2 agricultural land.

The Ministry of Agriculture, Fisheries and Food 'Agricultural Land Classification - October 1988' identifies Grade 2 as 'very good quality' and Grade 3 as 'good to moderate quality'. The NPPF (paragraph 170b) requires that the Local Planning Authority takes into account the economic and other benefits of this type of land.

The application was accompanied by an Agricultural Land and Soil Resources Report provided more detail on the quality of the soils which confirms that the soil on site is classified as Grade 2 (58%), 3a (36%) and 3b (6%). Therefore, the site comprises 17.3ha of best and most versatile (BMV) agricultural land.

The application site has been allocated for residential development under policies H SP1 and H SP2a of the Arun Local Plan and has been the subject of significant assessment prior to allocation. Therefore, it is considered that this provides evidence that alternative options for the location of this strategic allocation have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites. The Arun Local Plan (2011-2031) Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land and that the majority of the strategic allocations would have a significant negative effect on the objective of avoiding the loss of 'best and most versatile' (BMV) land. The loss of BMV is one factor in the site selection and decision making process.

Policy SO DM1 of the Arun Local Plan states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the site is a strategic allocated within the Local Plan the proposal would not be the subject of assessment under policy SO DM1.

AFFORDABLE HOUSING

For all developments over 11 residential units the Council requires a minimum of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan. Policy AH SP2 of the Arun District Local Plan (2011-2031) identifies the following mix of affordable homes (unless evidence indicates otherwise):

- 1 Bed - 35-40%
- 2 Bed - 30-35%
- 3 Bed - 20-25%
- 4 Bed - 5-10%

The proposed affordable housing provision has been considered by the Housing Strategy and Enabling Manager and it has been identified that an Affordable Housing Statement will be required to understand the detail of the 30% affordable housing on site. As this application is for outline consent the LPA will not have full details of the format of the affordable housing provision until the detailed design stage. However, the application does propose to provide 30% affordable housing which equates to 90 dwellings for a scheme of 300 units. The affordable housing provision is deemed to be acceptable and will be secured via the Section 106.

The affordable housing mix will be secured via legal agreement and as such the proposal is deemed to accord with policy AH SP2 of the Arun Local Plan.

ECOLOGY AND BIODIVERSITY

The application is accompanied by an Ecological Appraisal (January 2017) which has considered the ecological interests of the application site and the importance of the habitats present in accordance with current guidance. The Ecological Appraisal has considered mitigation measures as well as ecological enhancements.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will need to include a buffer strip around hedgerows during construction with fencing used to ensure that these areas are undisturbed. It has also been highlighted, by the Council's Ecological Advisor, that none of hedgerows H1, H2 and H3 should be removed and an additional 20m of hedgerow planting should be undertaken. The lighting scheme should also consider the presence of bats. Water voles were also found to be using the ditches on site and as such a condition has been

incorporated with the recommendation requiring the submission and approval of adequate mitigation measures prior to the commencement of development on site. The submission of this detail has been secured via condition 31.

A reptile survey has accompanied the application showing that a moderate population of reptiles resides onsite. Due to this mitigation has been proposed within the Ecology Appraisal in support of the application. It has been confirmed by the LPAs Ecological Advisor that the mitigation proposed is suitable and should be secured via condition.

Due to the sites proximity to the Pagham Harbour SPA it has been advised that any features suitable for nesting birds should be retained and enhanced. Any vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between the 1st March and 1st October.

The proposed development has been considered by the Council's Ecological Advisor who has raised no objection to the proposed development subject to the imposition of conditions, including the submission of a detailed mitigation and enhancement strategy prior to the commencement of development.

Therefore, subject to the proposed conditions it is considered that the development will not give rise to any unacceptably adverse effects to ecology and biodiversity at the site. The proposed development subject to appropriate conditions (included with this recommendation) is deemed to accord with policy ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan.

TREES

An Arboricultural Assessment has been submitted with the application. The Council's Tree Officer has considered the development and has raised an objection. The Tree Officer recommended that the removal of hedgerows for achieving sightlines is minimised and losses are mitigated through replacement planting set out in a landscaping scheme. However, it has been identified that an Arboricultural Method Statement and Tree Protection Plan will need to be provided in support of the application at reserved matters stage. A condition has been incorporated as part of this recommendation report requiring the submission and approval of this detail prior to the commencement of development on site. Therefore, it is considered that subject to this condition the proposed development will accord with policy ENV DM4 of the Arun Local Plan. The Council's Tree Officer has also identified that a Tree Preservation Order (TPO) should be created at the site to protect a maturing oak in the hedgeline opposite 60 Hook Lane.

PAGHAM HARBOUR SPA/RAMSAR

Policy H SP2a (a) (SD1 and SD2) identifies that proposals will need to ensure no detrimental impact to Pagham Harbour SPA through compliance with policy ENV DM2 and its supporting text.

Policy ENV DM2 of the Arun District Local Plan states that within Zone B (0-5km) all new residential development which is likely to have an impact on Pagham Harbour will be required to;

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
- ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between existing housing areas and new and existing green spaces in order to discourage car use.

The supporting text under Paragraphs 17.1.18 - 17.1.22 of the Arun Local Plan includes relevant background information on the Pagham Harbour SPA/Ramsar and the means by which the Local Plan

policies will ensure its protection.

Paragraph 12.1.15 of the supporting text for policy H SP2a within the Arun Local Plan identifies that the Pagham South (SD1) allocation is within close proximity to Pagham Harbour, which is an important and sensitive natural site within the wider Bognor Regis area. Development from this allocation should reduce any impacts from loss of supporting habitat or recreational disturbance that may arise.

The LPA had originally screened out the application by virtue of the mitigation measures proposed being integral parts of the proposal, in accordance with the approach derived from the Hart District Council v Secretary of State for Communities & Local Government . However, the decision of the ECJ in case C-323/17 it was concluded that it was not appropriate to take account of mitigation measures intended to avoid or reduce the harmful effects of the plan or project at the screening stage of the Habitats Regulation Assessment process.

Whilst, some inconsistencies exist between this judgement and previous ECJ case law, it will be necessary until such time as further clarification is provided by the ECJ, to consider the efficacy of impact avoidance and mitigation measures such as the strategic access management and monitoring (SAMM) through an Appropriate Assessment.

The Local Planning Authority (LPA) appointed Ecological Planning & Research Ltd (EPR) to undertake the Appropriate Assessment (AA) for the current planning application. The purpose of an Appropriate Assessment (AA) is to further analyse likely significant effects identified during the screening stage. The AA evaluates the implications of the plan or project, in light of the conservation objectives of the affected International Sites and includes a test as to if the plan or project would result in significant adverse effects on site integrity.

Consideration within the AA has also been given to 'in combination effects' where other nearby plans or projects may have the potential to cause negative effects on the integrity of the International Site. These negative effects may act in combination, with those of this planning application, potentially leading to a 'likely significant effect' (LSE) becoming significant. Therefore consideration has been given to whether this application could contribute to effects generated by other plans or projects and vice versa.

The Arun Local Plan HRA Screening Report (UEEC, 2016b) identifies potential effects on Pagham Harbour SPA/Ramsar associated with the 'Pagham North' developments. These are;

- Disturbance;
- Effects on supporting habitat; and
- Water pollution.

These have been considered in Section 4 'Screening of Likely Significant Effects' of the Habitats Regulations Assessment (18/32-1A) dated 14th September 2018 prepared by EPR (on behalf of the LPA).

In relation to disturbance it is concluded in paragraph 4.19 that disturbance impacts arising from the proposed development alone will not trigger a likely significant effect (LSE). However, in combination with other plans and projects it is considered that there is the potential for a LSE. The recent European Court Judgement (ECJ) in 'People Over Wind' means where mitigation measures are relied upon it is not possible to screen out a LSE. Therefore, it will be necessary to explore if the mitigation proposed will avoid an adverse effect upon the integrity of the site.

In terms of recreational disturbance this has been considered under paragraphs 4.14-4.22 of the HRA and it has been concluded that following the recent ECJ ruling (People over Wind) it is no longer possible

to rule out a likely significant effect where mitigation measures are relied upon. Therefore, the assessment must progress to AA stage to explore whether any contribution towards an adverse effect on the integrity of the site can be ruled out.

In respect of effects on supporting habitat it has been identified in the 'Screening Conclusion' (paragraph 4.37) that there is compelling evidence in the recent work reported in HRA Technical Note (PELP 33a) and Map 2 of the HRA that Dark-bellied Brent Geese are unlikely to use land within or adjacent to the application site to the extent that it can be considered to be 'regularly used functionally linked habitat for Brent Geese'. Natural England agreed with this view in their consultation response to this application have stated that, in view of this and given the presence of other agricultural land being available nearer the SPA, the proposal would not lead to a likely significant effect (LSE) through loss of supporting habitat.

Consideration was also given in the HRA (18/32-1A) to the combined impacts with other plans and projects. This was considered in the Arun Local Plan HRA documents (PELP 33a and PELP 33b) that informed the Local Plan examination in public. These documents were aimed mostly at addressing issues surrounding loss of functional supporting habitat for Dark-bellied Brent Geese at Pagham South, but did clarify the situation at Pagham North. In particular, it referred to new data compiled by Sussex Ornithological Society (SOS), submitted as part of its representations on a number of related planning applications at Pagham North and South.

It was concluded by Natural England (NE) that the nature of the site and its distance from Pagham Harbour means that it is unlikely to be regularly used functionally linked habitat. This and the availability of other agricultural land nearer the SPA led NE to conclude that the proposal would not lead to a LSE through loss of supporting habitat.

Paragraphs 4.42-4.61 of the HRA (18/32-1A) consider the potential 'Water Pollution' impacts of the development. It is identified under paragraph 4.56 that the ALP HRA Screening Report identifies a potential issue with capacity at the Pagham WWTW and it was advised by Natural England that subject to sufficient capacity in combination with other developments there will be no LSE from water quality impacts.

It has been acknowledged under paragraph 4.59 that Southern Water will be seeking to provide adequate capacity for each of the developments. However, in order to secure this a condition has been proposed to ensure that each of the developments are delivered in phases in line with the reinforcement works to be implemented by Southern Water. It is likely that water pollution impacts from the development will not trigger a LSE on the Pagham Harbour SPA/Ramsar. However, as the proposed planning condition constitutes mitigation it is not possible for water pollution impacts to be screened out and an AA in relation to water pollution impacts is required.

Recreational disturbance and water pollution have been identified as required to progress to the Appropriate Assessment stage. The proposed mitigation measures in relation to recreation impacts at Pagham Harbour SPA/Ramsar are identified under paragraph 5.45 as consisting of;

- Provision of suitable greenspace within the development; and
- Payment of strategic access management and monitoring (SAMM) tariff.

Paragraph 5.52 states that the avoidance and mitigation strategy outlined by the applicant is suitably robust and meets the tests set by the consideration under AA, provided that any planning permission is conditional on the Council agreeing in writing;

- A 25 year management plan for the open space, setting out the costed prescriptions for delivering

appropriate public access and providing clear commitments from appropriately qualified operators to implement the prescriptions; and

- The signing of a legal agreement obliging the applicant to secure appropriate ownership of the open space and to provide funds for the 25 year management plan.

It is identified under paragraph 5.56 that reliance on Southern Water has been tested through the EiP of the ALP and it is reasonable to rely on them to deliver effective mitigation through enhancement and reinforcement works. In order to avoid water pollution effects it has been identified that ADC will require any planning permission to be conditional on a suitably worded condition to ensure development is phased and implemented to align with delivery of sewerage network reinforcement.

As a consequence of the proposed mitigation measures it is considered that ADC can be confident that they will avoid or mitigate an adverse effect on the integrity of Pagham Harbour SPA/Ramsar, alone and in combination with other plans and projects. Natural England has reviewed the Habitat Regulations Assessment Report and concurs with the findings that the proposal is likely to have a significant effect on Pagham Harbour SPA/Ramsar through increased recreational disturbance and water quality impacts. They also agree with the conclusions of the Appropriate Assessment that the mitigation measures set out above (i.e. contribution to SAMM Strategy, provision of greenspace on site and alignment with Southern Water's delivery programme, surface water drainage strategy with additional treatment) are required to avoid an adverse impact on the integrity of the SPA/ Ramsar site. They advise that appropriate planning conditions or obligations are attached to any permission to secure these measures. As set out above conditions and obligations proposed will ensure these measures are secured.

Therefore, it is considered that the proposed development will accord with policy ENV DM2 of the Arun Local Plan.

DRAINAGE AND FLOODING

The site primarily falls within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site identified as Flood Zone 2.

The Environment Agency have been consulted in relation to this application and have advised that in line with the External Consultation Checklist they will not be providing any response to this application.

Surface water drainage was considered in the preparation of the eALP with the Arun Strategic Surface Water Management Study identifying SuDS measures and opportunities at the site. In addition to this policy W DM3 of the Local Plan states that proposals for major and minor development must incorporate SuDS within the private area of the development in order to provide source control features to the overall SuDS design.

The Flood Risk Assessment (Jan 2017) submitted in support of the application includes a drainage strategy under section 5. It is identified that it is proposed to discharge surface water flows to existing naturalised watercourses on site. Calculations undertaken by the developer have identified that attenuation storage extending to 3,078m³ will be required to attenuate storm water discharges from the site during a critical 1 in 100 year storm event. The attenuation requirements are shown on drawing no. 167/P/003 D. It is considered that the proposed attenuation basins will not result in an unacceptable impact upon the open space provision at the site.

The Council's Drainage Engineers have been consulted in respect of surface water drainage and no objection has been raised. A total of 6 conditions have been requested and these have been included in the recommendation. This includes the requirement to undertake winter ground water monitoring at the site prior to the commencement of development. This will inform the detailed design of surface water drainage at the site.

FOUL DRAINAGE

Southern Water has been consulted in relation to this application and has advised that their initial investigations indicate that they cannot provide foul sewage disposal to service the proposed development as the wastewater works at Summer Lane do not have capacity to accommodate the development.

However, this was considered as part of the Arun Local Plan Examination in Public and it was identified that the agreed approach for addressing waste water treatment capacity for the strategic allocations at Pagham in the Arun Local Plan, is to divert flows to Lidsey and Ford WWTW, with reinforcement works (funded by developer contributions) to plants and pumping mains to be brought forward over time in line with housing delivery.

Southern Water will need to work with the developer to understand the development program and review if the delivery of network reinforcement aligns with the occupation of the development. A condition would secure this and it is considered that this will be necessary to avoid any unacceptably adverse impact upon Pagham Harbour SPA/Ramsar in accordance with policy ENV DM2 of the Arun Local Plan.

BUILT HERITAGE AND LISTED BUILDINGS

Paragraphs 20(d) of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment.

Paragraph 190 of the NPPF identifies that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development which may affect the setting of a heritage asset), taking into account any available evidence and necessary expertise.

Paragraph 192 of the NPPF states that in the determination of planning applications the LPA should take account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Irrespective of whether any potential harm amounts to substantial harm.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

There are a number of listed buildings situated within proximity of the application site. To the west of Pagham Road is the Grade II listed Rookery Farm which is situated approximately 100m away from the site boundary. Rookery Farm is well screened and by virtue of its location has a limited presence within the street scene.

Further to the south is the Grade II listed Nyetimber Windmill which was built in 1840 and is missing its fantail. The mill has been incorporated into the Mill Lodge residential development and is visible within the street scene when viewed from the north, east, south and west.

Rookery Farmhouse and Nyetimber Mill reflect the historic rural character of Pagham with open fields to the north assisting in understanding and appreciating this.

Views towards the proposed development (west of Hook Lane) will be restricted from Nyetimber Mill by virtue of the boundary screening and existing two storey residential development. The open fields to the north of Nyetimber Mill will be retained and as such it is considered that the proposed development will not give rise to significant or substantial harm to the setting of Nyetimber Mill.

To the south of the application site is a further cluster of listed buildings and the Barton Close area of character.

The application site is situated approximately 450m to the north of the area of character and it is considered that there are few long range views into the area of character by virtue of the existing residential development and as such the proposed development will have little impact upon its locally distinctive qualities.

Therefore, it is considered that the proposed development will preserve the setting of listed buildings surrounding the site and as such would accord with policies HER SP1, HER DM1 and HER DM4 of the Arun Local Plan. It should also be considered that the proposed development makes a significant contribution to the Local Planning Authorities housing land supply and is an allocated site within the Arun Local Plan. Therefore, it is considered that the public benefits of the development would outweigh any harm to the setting or significance of heritage assets in accordance with paragraphs 196 and 197 of the NPPF.

ARCHAEOLOGY

A Heritage Assessment was submitted with the application which concluded that the site has low potential for remains of all archaeological periods but cannot be ruled out. The proposal has been considered by the Council's Archaeology Adviser who has stated that the potential of the proposed development to impact on unknown remains of archaeological importance justifies an investigation of the site and would be best secured via a suitably worded condition. This condition has been included as part of the recommendation and it is considered that by virtue of this the proposed development will accord with policy HER DM6 of the Arun Local Plan.

RENEWABLE ENERGY

Policy ECC SP2 of the Arun Local Plan identifies that major developments 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.

SUMMARY

The proposed development is considered to be acceptable in principle as has been established above and it has been identified within the report that the proposal will not conflict with the development plan.

The impact of the proposed development upon existing infrastructure has been mitigated through financial contributions and the provision of services and facilities. Adequate mitigation measures have also been identified which will mitigate the impact of the development upon the Pagham Harbour SPA/Ramsar site to the south of the application site. The developer has also agreed to provide 30% affordable housing which equates to 90 dwellings for a scheme of 300 units.

Therefore, the proposed development is deemed to accord with the requirements of policy H SP2 and will cumulatively meet the requirements of H SP2a (SD1 & SD2) in conjunctions with planning applications P/134/16/OUT and P/140/16/OUT.

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 impacts 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) have been considered in the determination of this application.

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

SECTION 106 DETAILS

See attached Heads of Terms document

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) Landscaping.

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

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

Reason: To enable the Local Planning Authority to control the development in detail and to

comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Red Line Boundary - 167/P/009 Rev A

Proposed Access Arrangement On Hook Lane (North) - JNY8840-09 Rev D

Proposed Access Arrangement Pagham Road - JNY8840-12 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan (2011-2031).

- 4 No development shall take place until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of commencement and completion within each phase of construction.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 No development 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 has 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 D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 6 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the objectives of the;

- Development Framework - 167/P/006 Rev E
- Landscape Masterplan - 167/P/003 Rev D
- Design and Access Statement - January 2017

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code masterplan.

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

- 7 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 hard and soft landscape design for the development including the layout and design of the public realm within the development;
- v. 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 ENV DM4 of the Arun Local Plan.

- 8 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of each phase or sub phase of the development hereby permitted or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the phase or sub-phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 Prior to the commencement of the development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 10 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 scheme shall adhere to the principles below;

- The design should following the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manual Produced by CIRIA. Winter groundwater monitoring to established 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.

- 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 watercourses on the site. Any discharge of watercourse must be at a rate no greater than the pre-development run

off values.

- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies D DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to the commencement of development.

- 11 No building shall be occupied until the complete surface water drainage system serving it 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 D DM1, W DM2 and W DM3 of the Arun Local Plan.

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

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

- 13 Upon completed construction of the surface water drainage 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 surface water drainage system 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 surface water drainage 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 Policies D DM1, W DM2 and W DM3 of the Arun Local Plan.

- 14 Before the development hereby permitted is commenced, details of a proposed the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if

appropriate).

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Pagham Harbour SPA/Ramsar in accordance with policies D DM1, W DM1, W SP1, ENV DM2 and H SP2a of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 15 Prior to the occupation of any dwelling of a particular phase, a scheme for external lighting shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.

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 and no lighting will be installed within the buffer zones and GI areas. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan.

- 16 Prior to the commencement of development, including any works of demolition, a Construction Management Plan shall be submitted for approval 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,
- full details of the construction compound,
- soil resources plan,
- dust mitigation measures,
- noise reduction measures,
- 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.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-

commencement condition because of the safety and amenity issues that need to be addressed.

- 17 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

8.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

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

- 18 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the Construction Management Plan at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D DM1 of the Arun Local Plan.

- 19 Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan for the construction phase of development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

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

- 20 No use within the phase of the development to be served from the Pagham Road access shall be first occupied until such time as the vehicular, pedestrian accesses and bus stop lay by have been constructed in accordance with the details shown on drawing no. JNY8840-12 Rev A and provided with visibility splays of 4.5 by 149 metres to the north and 152 metres to the south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 21 No use within the phase of the development to be served from the Hook Lane access shall be first occupied until such time as the vehicular and pedestrian accesses have been constructed in accordance with the details shown on drawing no. JNY8840-09 Rev D and provided with visibility splays of 2.4 by 74 metres to the north and 77 metres to the south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 22 No part of the development shall be first occupied until such time as the existing vehicular accesses onto Sefter Road and Pagham Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 23 No dwelling shall be first occupied until plans and details and a timetable for their installation showing the provision of real time information screens at the north and south bound bus stops on Pagham Road to the north of the Hook Lane Junction have been agreed in writing by the Local Planning Authority. The real time information screens once approved shall thereafter be implemented in accordance with the agreed details and timetable.

Reason: To promote and encourage sustainable transport to and from the proposed development in accordance with policy T DM1 of the Arun Local Plan.

- 24 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 Policies D DM1 and T SP1 of the Arun Local Plan.

- 25 Before development commences a scheme identifying the principles to be incorporated into detailed building design as the means of energy conservation, together with on-site energy renewable devices, shall be submitted to and agreed with the Local Planning Authority. Such scheme as is submitted shall seek as a target the provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements of the buildings granted planning permission. In determining the provision of on-site energy generation account will be taken of the impact on the viability of the development. Such scheme as is approved will be implemented in accordance with the scheme.

Reason: In accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this be a pre-commencement condition as sustainability goes to the heart of the approval.

- 26 Prior to the commencement of development, a strategy for the provision or facilitation 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 seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a 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 ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

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

Reason: The site has the potential to contain unknown remains of archaeological importance therefore in accordance with Policies D DM1 and HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can

only be investigated before construction commences.

- 28 Prior to the commencement of development 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. No hedgerow shall be removed or disturbed from hedgerows H1, H2 and H3 and an additional minimum 20 metres of additional hedgerow planting shall be undertaken on site due to the loss of small areas of hedgerow H4 (as identified on Appendix D 6932-E-AD within the Ecological Appraisal - Jan 2017). 'Hop overs' shall be provided adjacent to any hedgerow gaps greater than 7m wide to allow continued echolocation across the break.

Reason: In accordance with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to the sites biodiversity.

- 29 Prior to commencement of development 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 with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 30 Any works to the trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required during the bird breeding season an ecologist will undertake site surveys prior to any works taking place (within 24 hours of any work).

Reason: In accordance with with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 31 Prior to the commencement of development of any preparatory works an Ecological Protection & Enhancement Plan shall be submitted to and agreed in writing by the Council. The Plan shall be based on the mitigation measures proposed in Ecological Appraisal dated January 2017 prepared by FPCR Environment & Design Ltd and the correspondence from FPCR dated 20 April 2017 and will include a programme of ecological monitoring to inform the long term management of the site. The Ecological Protection & Enhancement Plan shall include a full mitigation strategy for Water Voles and Reptiles and a work programme with clear timelines for each mitigation measure to be carried out. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

Reason: To ensure the protection and retention of biodiversity in accordance with Arun District Local Plan policy QE SP1. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

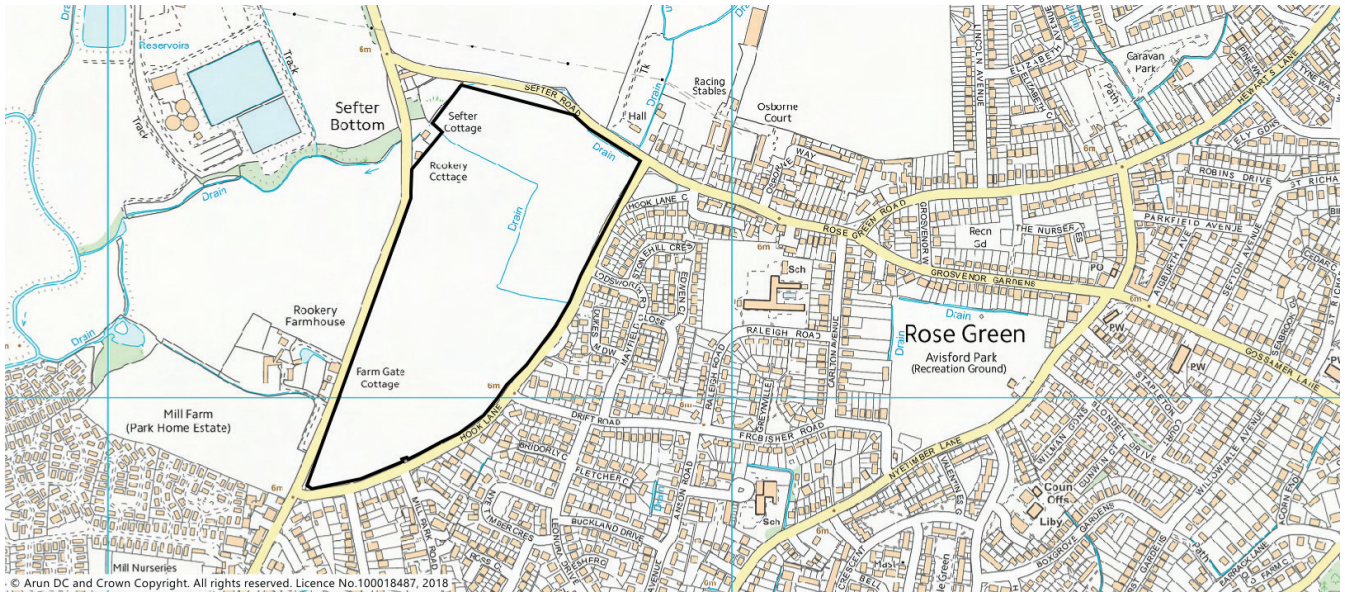
- 32 Prior to the commencement of development, an Electric Vehicle Charging Strategy will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against

any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 33 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.
- 34 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.
- 35 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.

P/6/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Instruction Form for S106 Agreements/Deed of Variations/Supplemental Agreements etc
 This form should include the necessary Authority details/signature and will act as a heads of terms.

Once the S106 has been signed off/executed: This instruction will act as a Completion Statement and will be circulated to all relevant officers, along with a copy of the completed S106.

INSTRUCTION AND AUTHORITY

Planning Application Ref: P/6/17/OUT	Today's date: 19/09/2018	Date of the Decision Notice, or Date that the Decision is to be considered if in the future (insert 'not known' if no date yet): Not Known	Planning Officer: Mr D Easton
What Type of Agreement is it?: Please tick one of the following: <ul style="list-style-type: none"> • S106 Agreement, or • Pagham Harbour Agreement, or • Unilateral Undertaking, or • Deed of Variation, or • Supplemental Agreement, or • Other 			
Who is responsible for this decision?			
(see notes opposite: only complete this box and sign here if this is an OFFICER Decision) <div style="border: 1px solid black; padding: 2px; display: inline-block; background-color: yellow;">x</div> _____ (signature of Officer with the power): Print Name: xxxxxxxxxx		<u>You need to tell Legal Services who is making the Decision on this S106.</u> (NB Pagham Agreements – The authority will not be known at validation stage so please note accordingly – Legal Officer to check later) <ul style="list-style-type: none"> • If this is an OFFICER Decision, sign and print your name in the box opposite , or • If this is a Development Control Decision that has already been made you will need to provide: Date of Development Control Meeting: xx/xx/xx Minute Number: xxxxxxx, or • If this is for Development Control to make the Decision <u>in the future</u>, please provide the date of the future meeting or insert 'to be advised' if the date has not been set <p style="text-align: center;">Date of Future Development Control Meeting: xx/xx/xx or To Be Advised</p>	
Full name(s) of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which should be attached as well)		Names: <ul style="list-style-type: none"> • ROGER CHARLES PHILPOT, JONATHAN BRUCE LOVEYS, ANGELA MAREY CLEANTHI and ANTHONY BRIAN LOVEYS care of F Barnes, Solicitors, 14 Chase Cross Road, Romford, RM5 3PS X • HALLAM LAND MANAGEMENT LIMITED incorporated and registered in England and Wales with company number 2456711 whose registered office is at Banner Cross Hall, Ecclesall Road, South Sheffield, S11 9PD 	

- **Check!** Please attach a plan with the site **outlined in red** and complete a brief description of the development:
- **Check!** Any land registry searches that have been provided by the Applicant/Agent should be sent with the plan and draft agreement.

HEADS OF TERMS

Planning Officer to set out the Heads of Terms below:

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		30% (thirty percent) of the Dwellings within the Development to be provided (subject to the terms of this Agreement) as Affordable Housing with a tenure split of: Affordable Rented Housing Units 75%; and Intermediate Housing Units 25%	ADC		N/A	
Early Years	Prior to first occupation.	£470,250	WSCC	Towards the delivery of an early years facility serving the Development as set out in the Arun Infrastructure Delivery Plan 2017.	N/A	Ten (10) years of the date of receipt of the Contribution.
Education (Secondary)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	To be calculated using the following formula; DfE Figure x ACP	WSCC	The contribution shall be spent on design and feasibility work for the provision of a new secondary school to serve the district and the implementation of access.	N/A	Ten (10) years of the date of receipt of the Contribution.

Legal Ref: «**oppo_customerref**»

Education (Sixth Form)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings.	To be calculated using the following formula; DfE Figure x ACP	WSCC	The contribution shall be spent on design and feasibility work for the provision of a new secondary school to serve the district and the implementation of access.	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC (Primary Education)	To pay the Primary Education Contribution to the County Council prior to the Occupation of the first Market Unit within the Development. Not to Occupy any Market Unit within the Development until the Primary Education Contribution has been paid.	£1,678,500	WSCC	Towards the construction of the Primary School on the Primary School Land or the construction of such other new primary school or extension to a primary school serving the Development as the County Council and the Owners shall agree.	N/A	Ten (10) years of the date of receipt of the Contribution.
Libraries	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£25,000	WSCC	Provision of Tier 7 library facility to serve Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
Fire & Rescue	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	To be calculated using the following formula; $Y \times (Z / M)$	WSCC	Towards the redevelopment of Bognor Regis Fire Station.	N/A	Ten (10) years of the date of receipt of the Contribution.
Police Contribution	Staged payments of 33%, 33% and 34% of the total contribution for	Total contribution of £44,772.12	ADC	• £2,847.88 as a maximum of 1 of 5 pooled payments towards the cost of an additional officer to work in Pagham	N/A	

Legal Ref: «oppo_customerref»

	each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.			neighbourhood policing team. (Uniform - £855.54; Radio - £514.50; and Workstation/Office Equipment -£1477.84). <ul style="list-style-type: none"> • £422.24 1 of 5 pooled payments towards the cost of 1 additional support staff member to be based at Bognor Regis Police station. • £3,699 as 1 of 5 pooled payments towards the purchase of an additional vehicle for use by the Pagham Neighbourhood Policing Team. • £1,470 as 1 of 5 pooled payments towards the purchase of an additional Mobile IT kit for officers working within the Pagham Neighbourhood Policing Team. • £8,500 for the cost of one fixed site ANPR camera, intelligent dual lane reading Vector camera with infrastructure in place for a single carriageway road. • £129 – to provide additional radio cover/capacity. • £26,342.40 – Adaption/improvements to Bognor Police Station. • £1,362 – Control Room Telephony 		
Access Management Contribution at Pagham Harbour	Prior to the occupation of the first dwelling.	£871 per dwelling (total contribution of £261,300 for 300 dwellings)	ADC	Towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.	N/A	Ten (10) years of the date of receipt of the Contribution.
Leisure (Pools)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£145,020	ADC	Expansion and reconfiguration of the wet side changing rooms at Arun Leisure Centre.	N/A	Ten (10) years of the date of receipt of the Contribution.
Leisure (Sports halls)	Staged payments of 33%, 33% and	£134,679	ADC	Expansion and reconfiguration of the ground floor dry side main	N/A	Ten (10) years of the date of

Legal Ref: «**oppo_customerref**»

	34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.			public changing rooms, to increase capacity and overall customer experience at Arun Leisure Centre.		receipt of the Contribution.
Leisure (Playing Pitches)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£19,818	ADC	Financial contribution towards the provision of a 3G playing pitch facility in the western analysis area, within the catchment of Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
NHS	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£402,673	ADC	Contribution towards the infrastructure needs of managing GP consultant health care at Grove House GP Surgery or provision of new healthcare facilities at strategic allocation SD3 west of Bersted or the expansion or relocation of the Arthur Griffith Clinic at Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC Highways Contributions	Contribution to be paid prior to the occupation of the 100 th dwelling.	£158,224.73	ADC	<ul style="list-style-type: none"> • Towards the enhancement of the Pagham Road/Sefter Road priority junction. • Towards the enhancement of the Pagham Road/Lower Bognor Road junction. 	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC Footpath contribution	Prior to occupation of any dwelling within the development.	£30,612	ADC	Upgrade of public rights of way 100, 106 and 104 to enable creation of an off road cycle route.	N/A	Ten (10) years of the date of receipt of the Contribution.
Playing Pitch Contribution	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£82,092	ADC	Towards pitch and changing room improvements at Avisford recreation ground.	N/A	Ten (10) years of the date of receipt of the Contribution.

Legal Ref: «**oppo_customerref**»

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
Junction improvement works to B2166 with Vinnetrov Road through the widening of the western entry arm as shown on - Drawing No. 14 'Proposed mitigation works – B2166 Vinnetrov Road'	Prior to the occupation of the 100 th dwelling.	Works	WSCC/ADC
Upgrade of local bus stops on Pagham Road at Hook Lane junction to provide northbound bus stop with raised kerbs and bus timetable information and southbound bus stop with new layby, raised kerbs and timetable information. Upgrade of local bus stops on Hook Lane near Hook Lane Close and on Lodsworth Road to include raised kerbs.	Prior to the occupation of the 100 th dwelling.	Works	WSCC/ADC
Whyke Hill Junction Contribution Agreement - means a Highways Agreement under section 38 and/or section 278 of the Highways Act 1980 or such other enabling powers as may be appropriate having regard to the item of highways works in question between the Owners and/or the Developer and Highways England which secures the payment of the Whyke Hill Junction Contribution to Highways England	Prior to the commencement of the development.	Highways England	ADC
Public Open Space Scheme – establishing the provision of public open space and (where applicable) sports pitches within or associated with the development. Including submission of a 25 year management plan for the open space, setting out the costed prescriptions for delivering appropriate public access and providing clear commitments from appropriately qualified operators to implement the prescriptions.	Prior to the commencement of development of any dwelling	ADC	ADC
Play Areas -	Prior to the commencement of development of any dwelling	ADC	ADC

COMPLETION REPORT

Legal Ref: «oppo_customerref»

To be completed by Legal Services when the Agreement has been registered and finalised, then circulated to interested parties:

Seal Register Number:	Date of Agreement (or <u>original deed/agreement</u> if this is a variation/supplemental):
Statement completed by: (Legal Officer)	

Please distribute completed statement to: The Planning Officer, Sue Dudley (Deed Store), Ros Bentley (S106 Monitoring Officer), Nicola Spencer (Planning) and landcharges@arun.gov.uk

Legal Ref: «**oppo_customerref**»

PLANNING APPLICATION REPORT

REF NO:	P/134/16/OUT
LOCATION:	Land North of Sefter Road & 80 Rose Green Road Paghham
PROPOSAL:	Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks - Departure from the Development Plan. This application also falls within the parish of Aldwick

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks.
SITE AREA	Approximately 13.34 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 18.74 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundary of the site where it meets Sefter Road consists of trees measuring up to 6m in height. The western most boundary of the site consists of mature hedgerow and tree planting of up to 6m in height. The northern boundary of the site consists of sporadic tree planting and hedgerows with the southern boundary of the site where it runs to the north of Osbourne Way is open in sections but also features mature planting and close boarded fencing. The eastern boundary of the site features limited planting and rear boundary treatments of properties to the west of Lincoln Avenue.
SITE CHARACTERISTICS	The application site is classified as grade 2 agricultural land and is currently in agricultural use. The site wraps around the Osborne refrigeration site with the main portion of the site

somewhat square in shape and bordered to the east by Lincoln Avenue and Osborne Way to the south. To the west the site wraps around Osborne Refrigeration and extends to the south where it abuts Sefter Road.

CHARACTER OF LOCALITY

The character of the immediate locality is rural with open countryside situated to the north and west. Residential development is situated immediate to the east and south of the application site. To the east is Lincoln Avenue which features single storey bungalows and chalet bungalows set within small plots, whilst to the south is Osborne Way a new residential development featuring 2 and 2.5 storey dwellings. Also to the south is Osborne Refrigerators who occupy a large industrial building which is situated to the north of Sefter Road and the existing residential development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Aldwick Parish Council

Pagham Parish Council

Pagham Parish Council

OBJECTION

1. Building a strong, competitive economy:

- The only tangible long term benefit relates to employment at the new school. There is no committed funding from WSCC for such a development and during previous discussions with WSCC they indicated that they do not consider this site a suitable location as it is too close to the existing Rose Green primary school.
- There would be a significant impact on the two major local industries in Pagham - tourism and farming. As well as the loss of agricultural land and a major negative impact on the attractiveness of the area for tourism. The proposal will have a significantly detrimental impact on the semi-rural character of the village.
- There is limited employment in Pagham and the proposed future residents will be required to commute.
- The potential economic benefits during construction phase would be short lived and in no way can these be seen as supporting sustainable economic growth in Pagham.

2. Supporting a prosperous rural economy;

- Removal of grade 1 and 2 agricultural land from production to build houses inappropriate.
- Redundant and obsolete buildings not investigated for the opportunities they could provide.
- Type of housing proposed is not affordable to agricultural workers who are often low paid.
- Businesses which service existing large agri-businesses should be encouraged to develop and expand in the Parish.
- Destruction of qualities which attract tourists will damage tourism opportunities and economy.

3. Promoting sustainable transport;

- Pagham Road is the single access for the community to the strategic road network.
- Drainage of the road has always been a problem.
- Dangerous as vehicles leave the road and proximity of farm works in field is a concern.
- Significant number of HGV transit journeys upon Pagham Road, together with massive tractor/trailer

loads of crop waste to serve the generating system. Consent has been granted for expansion of this business.

- Cyclists - road is unsafe.
- Concern over safety of junction Lower Bognor Road and Pagham Road.

Key findings from Traffic Survey Commissioned by Pagham Parish Council:

- Although the main access road from the village is relatively uncongested where it leaves the village, at peak times the volumes are swelled by traffic coming from west Bognor and joining by junctions with Sefter Road and the Lower Bognor Road. Resulting in tailbacks, both for joining traffic and then for all traffic.
- Only some 40% of the measured peak hour traffic attempting to reach Chichester and the A27 comes from Pagham village itself. Proposed developments would result in a disproportionate increase in peak traffic volumes.
- Westbound traffic on the B1266 approaching the junction with the B1245 was also significantly congested in peak hours with slow and queueing traffic measured.
- The consultants have concluded that the proposed development sites will have a substantial impact on the wider local road network and strategic road network.

4. Delivering a wide choice of high quality homes;

- The type and density of housing proposed in this application is completely at odds with the existing character of the area and does not reflect local needs.
- The significant amount of noise emanating from the Osborne refrigeration factory situated adjacent to the application site would significantly affect many of the proposed homes, especially those near to the factory.

5. Requiring good design

- The proposed development density would be out of character with the locality and would contribute to a significant degradation of the streetscape.
- The Pagham Village Design Statement 2007 is a material consideration.

6. Healthy communities

- We believe that the loss of the existing scout hut together with the surrounding land that has been utilised for community activities (e.g. firework displays) has not been adequately compensated for in the proposed development.

7. Climate Change

- It is considered that the FRA is seriously flawed as there are several parts which are either incorrect or misleading.
- The report fails to fully consider the potential groundwater levels by taking only a snap shot in January 2014. An assessment during wet winter periods needs to be undertaken and cross reference to the groundwater levels at Chilgrove monitored by the Environment Agency.
- The report places heavy reliance on culverts and downstream being cleaned out but has not been considered the extent of these works or who will undertake and pay for this or the impact upon Pagham Harbour SPA.
- Historical flooding problems on and off site have not been fully considered.
- Further work is required to substantiate the conclusions reached in the FRA.

8. Natural Environment

- For the following environmental reasons the application should be refused: damage to trees and hedgerows; dismissal of the qualities of existing trees; disturbance to ditches and streams; loss of grade 1 agricultural land; lack of provision for protected root zone around trees; lack of appreciation of characteristics of soil type.

- Cumulative effects of development will have a serious negative impact on wildlife and biodiversity.
- Until the Summer Lane WwTW has improvements undertaken no new development should be granted planning permission.

9. Historic Environment

- The proposed treatment of the historic WWII pill box located on site does not accord with the NPPF requirements.

ALDWICK PARISH COUNCIL

OBJECTION

- Members strongly oppose the application on the grounds that the development does not promote sustainable development and would have unacceptably adverse impacts on adjoining occupiers and land uses.
- The development does not retain significant open or wooded areas which make a contribution to the local environment.
- The proposal does not allow for the safe movement of pedestrians and vehicles.
- The development is in conflict with policy GEN7(iii), (iv), (v), (vi) and (vii) of the Arun District Local Plan 2003.
- The development is outside of the built up area boundary in conflict with policy GEN3 of the Arun District Local Plan 2003.
- Proposal will exacerbate flooding in conflict with policy GEN11 of the Arun District Local Plan 2003.

OBJECTION

Comments received 9th April 2018

Additional comments beyond those raised in original consultation response;

- Members expressed concerns that surface water could drain into Pagham Rife which is already prone to flooding.
- Development would result in the destruction of one or more trees protected by a tree preservation order.
- Development would result in the loss of biodiversity and habitats for bats and other animals.
- Site access is insufficient to serve the development as there is only one access.
- Since 1980 77 species of birds have been recorded at the site.
- Proposed development would present a severe challenge to transport and they noted that three separate cumulative transport assessments have been undertaken and are totally flawed and require review.

OVING PARISH COUNCIL

OBJECTION

- Development will add significant additional traffic on the Pagham Road which in turn will affect Marsh Lane and Vinnetrow Road, exacerbating the existing rat runs that are already a problem for these roads.

906 letters of objections received and below is a summary of the main points raised.

Sustainability

- Development is unsustainable.
- Proposed development results in a loss of tourism.

Agricultural land

- Development will result in a loss of high grade agricultural land.
- Land should be retained for agricultural purposes.
- Farmland is required for food production.

Design and visual amenity

- Development will adversely impact upon existing character of the locality.
- Development will adversely impact upon the strategic gap.
- Development will adversely impact upon rural character.
- Development will have a detrimental effect on the community.

Surface water and drainage

- Site is vulnerable to flooding.
- Fields and roads flood regularly.
- Existing drainage will not cope.
- Pumping station cannot facilitate the development.
- Lack of sewage treatment provision.

Highways

- Roads are heavily trafficked and congested.
- Roads are overloaded in peak hours.
- Lack of jobs in Pagham result in high levels of commuting.
- Roads are inadequate and dangerous.
- HGV lorries make using the roads difficult.
- Pagham Road does not feature any pavements.
- The development will cause more accidents on Pagham road.
- Currents road are dangerous for cyclists.
- Development will rely on a single point of access which is insufficient to cope.

Infrastructure

- School is currently oversubscribed.
- Doctors' surgery is not able to accommodate existing demand.
- Internet connection in Pagham is poor.
- Insufficient infrastructure to cope with proposed development.
- Result in a loss of facilities such as the scout hut.
- Lack of local employment opportunities to support the development.
- Inadequate provision to deal with Increase in household refuse and recycling waste.
- Inadequate water pressure.

Biodiversity and Ecology

- Development will result in loss of ecology.
- Development will adversely impact upon SSSI.
- Development will bring more noise and air pollution.
- The farmland is a feeding ground for Geese in the winter.
- The area provides excellent habitats for a variety of animals.
- Impact on the local history of the area.

Neighbourhood Plan:

- Contrary to the Neighbourhood Plan.

Non-material

- Loss of views.
- After Brexit the number of immigrants will decrease making more homes available.
- Previous application was refused on this site.
- Development should be on brownfield sites.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be considered in the conclusion to this report.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

ECONOMIC DEVELOPMENT

Comments received 3rd January 2017

No objection - would ask that the developer signs the Arun Developer and Partner Charter as well as producing and implementing a Work and Skills Plan.

ECOLOGY

Comments received 4th January 2017

- The mitigation proposed within Section 6 of the Ecological Appraisal for the site is generally acceptable and it should be conditioned that a detailed mitigation and enhancements strategy should be submitted for approval prior to commencement of any works on site.

- Ecological enhancements should include native planting to infill the gaps in hedgerows and scrub; The inclusion of an area of wildflower grassland; the inclusion of wetlands/SUDS features; bat boxes, bird boxes and log/habitat piles.

- As indicated in the habitats regualtions assessment report, as well as the provision of SANGS on-site, a contribution to the Solent Recreation Mitigation Project will be required.

Comments received 30th March 2017

- Arun District Council and Chichester District Council have developed a joint strategic scheme of

avoidance and mitigation measures along the lines of which exist for the Solent Maritime SAC. This involves a jointly agreed uniform level of developer contribution in the two zones of influence, set at a level to fund the measures in perpetuity. The preferred method would be to collect a contribution towards the implementation of the joint project. Such a contribution should be payable at commencement in order to ensure that avoidance measures are in place before first occupation.

ENVIRONMENTAL HEALTH

Comments received 9th January 2017 (contaminated land)

Although the site is mainly greenfield please apply the below conditions as much of the proposed site is adjacent to industrially developed land (factory and electrical sub-station).

· Conditions requested - ENV3, ENV5 and ENV6

Comments received 3rd March 2017

· I have concerns that noise may adversely affect future residents of this site. The noise report has assessed the current noise generated by the Osborne Refrigeration Site (B2 Use) but has not taken into account the worst case scenario. Should Osborne leave the site and a particularly noisy B2 use replace them (such as sheet metal fabrication), the noise assessment has not taken this into account and therefore future residents would not be adequately protected.

· The applicants are suggesting that a 4m acoustic fence would provide part of the mitigation. A 4m acoustic fence is a huge undertaking and I have concerns that it would not be practical. Acoustic fences work best with steady state noises and are most effective when either the noise source or the receptors are close to the fence/barrier. In both cases, the noise source and the receptors are likely by their very nature to move around, thereby reducing the effectiveness of the acoustic barrier. The noise (or potential noises depending upon future use) is unlikely to be steady state noises.

· At present, I would recommend refusal of this application based on the potential noise issues which may affect future residents.

WSCC FLOOD RISK MANAGEMENT

Comments received 12th January 2017

· Mapping shows to the site to be at a low risk of surface water flooding. However, existing watercourses that run across the proposed development area are shown to be at higher risk. Any existing water flow paths on site must be maintained.

· The proposed development is shown to be at both high and low risk from ground water flooding based on current ESI maps. The southern part of the site is at lower risk whilst the northern section is at higher risk. Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to work through an Appropriate Assessment carried out under BRE Digest 365.

HIGHWAYS ENGLAND

Comments received 12th January 2017

Highways England respectfully request that your authority refrains from determination of this application until such time as we are satisfied that the impacts of strategic development at Pagham have been robustly considered and resolved.

Comments received 19th April 2018:

· Following our liaison with the applicant, we have now received confirmation that the applicant has agreed to contribute £238,000 towards the proposed mitigation improvements at the A27 Whyke Hill junction.

· Highways England is now satisfied that the development proposals can be achieved, subject to certain necessary s106 conditions, without detriment to the safe and efficient operation of the Strategic Road Network.

· Arun District Council will enter into a Section 106 Agreement with the applicant to the effect that prior to the commencement of the development hereby permitted the applicant will enter into a s278 Highways

Agreement with Highways England.

Comments received 27th January 2017

This application site forms part of the strategic housing allocation for Pagham as identified in the Council's emerging local plan. The cumulative traffic impacts of these sites on the A27 junctions of Whyke and Bognor Road have yet to be determined. We are now working closely with all applicants consultants but have some way to go before we understand the implications and hence required mitigation at both junctions. Accordingly, we would respectfully request that you refrain from determining this application until such time as we can agree with the applicants the impacts and mitigations required.

Comments received 21st February 2018;

A contribution is requested towards improvements at the A27 Whyke junction, with the works to be undertaken by Highways England. A contribution of £850 per dwelling is requested which totals £883,150 based on the 1,039 dwellings proposed. In terms of individual sites Highways England is looking to secure the following amounts;

- P/134/16/OUT - £212,500
- P/140/16/OUT - £340,000
- P/6/17/OUT - £255,000
- P/25/17/OUT - £75,650

ARCHAEOLOGY ADVISOR

Comments received 24th January 2017

- I agree that the potential of the proposed development to impact upon unknown remains of archaeological importance would justify an investigation of the site ahead of construction. This process, and any subsequent measures to mitigate that impacts, would be best secured following a standard archaeological condition, in this case a version of ARC1 excluding the works 'within the area indicated'.
- The WW2 infantry section post, which should be considered to be a non-designated heritage asset, is of at least local significance. It seems that it is 'to be removed prior to development' despite being 'within an area not intended for residential development but to be retained as a natural green space, with a road crossing through it.' In the circumstances its demolition should only be considered if its loss is outweighed by some benefit - and it isn't clear what this might be. If demolition proves necessary a full record should be made as part of the programme of archaeological work.

GREENSPACE

Comments received 24th January 2017;

- The Council's SPG guidelines are based on the National Playing Fields Associations 'six acre standard'. Developments of 10 dwellings or more are expected to provide open space on site. We would require confirmation of public open space being proposed within the development and commuted sum payments towards the maintenance of open space where these are provided on site. S106 contributions towards infrastructure/leisure would need to be secured.
- Before construction a tree protection scheme must be in place for any retained trees including trees whose root protection areas would fall within the construction zone from neighbouring land. Any removed trees should be mitigated through the inclusion of native species planting.

Additional comments 15 May 2018:

Advice on location of open space provision and relationship to SUDs features. Increase to 280 dwellings would require additional open space.

WSCC STRATEGIC PLANNING (HIGHWAYS)

Comments received 30th January 2017

Additional information is required to enable further consideration of the application. What is required is

summarised below;

- Revised junction assessments using cumulative assessments.
- More evidence in support of recorded wet weather speeds on Sefter Road.
- Consideration of access/walking improvements along Sefter Road to junction with Pagham Road and bus stop improvements (N and S).
- Include consideration of street lighting at site access and junction of Sefter Road/Pagham Road.
- Updated framework Travel Plan.
- Response to PROW comments.
- Plan showing Fire and Rescue service emergency access requirements and access point.
- Revised plan showing further alterations to junctions 4 and 9.
- Revised tracking plan of 12m bus at J4.

Comments received 27th September 2017

- The LHA has reviewed the three Cumulative Transport Assessments (CTA) submitted in support of the current planning applications in Pagham. The CTA's have been prepared in accordance with current best practice and the scope has been agreed with the LHA. Whilst the majority of the conclusions within the CTA's are broadly comparable, there are still in certain places quite notable differences as to the anticipated future operations of the junctions. The most notable of these is the Pagham Road/Sefter Road. A further review of the operation of this junction by the developers is necessary.
- For those junctions where mitigation is required, the proposed works or contributions are considered acceptable in mitigating the severe residual cumulative impacts of the development.

Comments received 27th March 2018:

The submitted cumulative assessments have tested the capacity impacts of a development of up to 980 dwellings as jointly proposed at applications at Sefter Road, Hook Lane, and Summer Lane. The assessments also incorporate additional background traffic from permitted developments in the local area along with that from other potential developments including that at Church Barton Farm and West of Bersted. Viewed against the information presented and the National Planning Policy Framework, the LHA are satisfied that the combined impacts of the development would not give rise to residual severe highway impact. There are certain matters that will need to be concluded as part of the individual planning applications and associated s106 agreements.

Comments received 1st May 2018

- All matters in connection with the proposed vehicular and pedestrian access arrangements have now been addressed.
- In summary and notwithstanding the cumulative impacts of the four Pagham planning applications presently under consideration, based on the details and supporting information submitted for the current application, WSCC are satisfied with the arrangements as shown. On this basis, no severe impact is anticipated to arise from this proposal when viewed in isolation.
- In conclusion, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development are severe. Based upon the information submitted, the LHA are satisfied that the proposed development would not result in severe highways impacts. As such, no highways objection is raised.
- If the LPA are minded to approve the application, the following s106 obligations, conditions and informatives should be attached to any consent granted.

SUSSEX POLICE

Comments received 1st February 2017

- Various advice and comments provided concerning design and security.

Comments received 22nd March 2017

- Additional comments provided concerning design and security.

ENGINEERS (DRAINAGE)

Comments received 1st February 2017

- Detailed design for SUDs should following the options as stated in the FRA.
- Additional groundwater monitoring and percolation testing is required to inform the option pursued.
- As much infiltration as possible should be utilised, however the main route for surface water is likely to be the culverted anti-tank ditch/surface water sewers/ditches.
- Please apply conditions ENGD2A, ENGD3A, ENGD4A, ENGD5A, ENGD5B and ENGD6A.

SOUTHERN WATER

Comments received 31st January 2017

- We request that should this application receive planning approval, the following condition is attached to the consent; "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Comments received 13th April 2018

- A desk based study has been undertaken which indicates that with connection at the 'practical point of connection' as defined in the new connections services implemented from the 1st April 2018 that there is an increased risk of flooding unless network reinforcement is undertaken.
- The reinforcement will be provided through the new infrastructure charge but Southern Water will need to work with and understand the development program and review if the delivery of network reinforcement aligns with the occupation of the development.
- Southern water requests the following condition; "Occupation of the development to be phased to align with the delivery of sewerage infrastructure to prevent the increased risk of flooding".
- Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system.
- Our initial investigations show that Southern Water can provide surface water disposal to service the proposed development. Southern Water required a formal application for connection to the public sewer to be made by the applicant or developer.
- We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the LPA in consultation with Southern Water."

COUNCIL'S TREE OFFICER

Comments received 31st January 2017

- The accuracy of the base data submitted in support of the outline application is acceptable.
- However, it will not be sufficient for them to rely on the Arb Impact Statement alone at the detail stage submission and for this stage of the application process it will have to be supported by an Arboricultural Method Statement report and Tree Protection Plan to show how retained trees will be respected and fully protected during the construction works on the site.

SUSSEX POLICE - COMMERCIAL PLANNING MANAGER

Comments received 7th February 2017 updated 12 April 2018

- Financial contribution of £40,726.71 requested towards associated policing costs.

NATURAL ENGLAND

Comments received 7th February 2017

- Internationally and nationally designated sites - no objection.
- In considering the European site interest, Natural England advises that you, as a competent authority under the provision of the Habitats Regulations, should have regard for any potential impacts that a plan

or project may have.

- In advising your authority on the requirements relating to the Habitats Regulations Assessment, and to assist in screening for the likelihood of significant effects, based upon the information provided; The proposals are not necessary for the management of the European site; and subject to appropriate financial contributions being secured for strategic mitigations, the proposals are unlikely to have a significant effect of Pagham Harbour Spa/Ramsar, and can therefore be screened out from any requirement for further assessment.

Comments received 9th April 2018

Natural England has previously commented on this application. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Comments received 4th October 2018

In relation to the Habitat Regulations Assessment (Regulation 63 of the Conservation of Species and Habitats Regulations):

Natural England concurs with the HRA Report (EPR, September 2018) that the proposal is likely to have a significant effect on Pagham Harbour SPA/Ramsar through increased recreational disturbance and water quality impacts, in combination with other plans or projects.

We agree with the conclusions of the Appropriate Assessment, that mitigation measures are required to avoid an adverse effect on the integrity of the SPA/Ramsar. Therefore, the following mitigation measures should be secured:

- Financial contribution to the Pagham Harbour SAMM Strategy;
- Greenspace totalling 4.45ha within the development site, managed to provide recreational space for people and their dogs. A costed 25 year management plan should be produced, with a suitable management company identified.
- Development should be phased to align with Southern Water's deliver of sewerage network reinforcement.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

HOUSING STRATEGY AND ENABLING MANAGER

Comments received 21st March 2017

- At this planning outline stage there is no objection in principle but an Affordable Housing Statement is required in order to understand the detail of the 30% affordable housing on the site.

- Support is reserved as it is unclear what the tenure form of the affordable housing will be, where it will be located and its mix. Also at this stage, there is no statement about self uild plots as mentioned in the pre-application advice.

Comments received 26th March 2018

- The applicants proposed to provide 30% affordable housing on-site which comprises up to 85 units which is acceptable and meets the Council's Affordable Housing policy requirements.

- The applicants proposed to provide a tenure split for the affordable housing comprising of 61 rented and 24 intermediate housing units which is acceptable. It is noted that the rented quota will comprise of Affordable Rent dwellings only with no social rented properties provided. The inclusion of social rented housing is a preference for the Council to meet local housing needs, but it is recognised this is not a prescribed policy requirement.

- The dwelling types of flats and houses for the affordable housing offer are acceptable.

- The dwelling mix of unit sizes for the affordable housing offer is acceptable.

- The affordable housing must be acquired by an affordable housing provider approved by the Council, which includes non-registered providers and the Council itself.

LEISURE SERVICES

Comments received 6th July 2017

- The Council would be looking for the following contributions for the development in Pagham.
- Pools - £125,720
- Sports Halls - £102,710
- 3G Pitches - £12,690

CHICHESTER DISTRICT COUNCIL

Comments received 8th August 2017

- The traffic generated by the development proposed would, without effective mitigation, result in a severe impact on the roads and junctions within Chichester District, particularly the A27/B2145 junction (Whyke Roundabout) and the A27/A259 junction (Bognor Road Roundabout) on the trunk road network, and the Runction and North Mundham/Hunston roundabouts on the WSCC road network. Mitigation should be secured through the local plan or on a bespoke basis for additional development. Chichester District Council would expect Arun District Council to adopt the same approach in partnership with WSCC and Highways England.
- CDC preference would be for a comprehensive assessment and mitigation strategy for all development allocated at both strategic and neighbourhood level within the emerging Local Plan (as modified).

Comments received 18th April 2018

- It is imperative that the impacts of this development beyond Arun District boundaries are fully and robustly assessed with conclusions agreed by Highways England and West Sussex County Council. CDC wishes to stress that the necessary mitigation required by WSCC and HE for all affect roads and junctions on the network must be properly secured, paid for and phased appropriately to ensure that the necessary mitigation on both WSCC and HE Roads is in place at the required time. ADC should ensure they are confident that the appropriate legally sound mechanisms to achieve this are in place before recommending approval.

NHS CCG

Comments received 28th July 2017

- Financial contribution of £273,965 sought towards 'Grove House GP Surgery' for the infrastructure needs of managing GP consultant health care.

WSCC LOCAL DEVELOPMENT DIVISION: S106 CONSULTATION RESPONSE

- We will require £438,900 towards a new early years facility serving Pagham, based on the provision of 280 dwellings.
- We will require £1,566,600 towards a new primary school serving Pagham, based on the provision of 280 dwellings.
- Secondary and further education contributions to be secured on the WSCC formulae. Contributions to be spent on expansion at Felpham Community College and Felpham Community College Sixth Form.
- Financial contribution of £23,333 towards the provision of a new tier 7 library facility to serve Pagham.
- Fire and rescue contributions to be paid in line with proposed formula towards the redevelopment of Bognor Regis Fire Station.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Policy H SP2a Site SD2 Pagham North

DEVELOPMENT PLAN POLICES

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
INFSP2	INF SP2 New Secondary School
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking
TSP1	T SP1 Transport and Development
TSP3	T SP3 Safeguarding to Main Road Network
WDM1	W DM1 Water supply and quality

WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD2	Conservation Areas
SPD8	Areas of Special Character

POLICY COMMENTARY

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

The 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.

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.

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).

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. Therefore, policies 1, 3, 8 and 9 are considered relevant to the proposed development.

However, it must be considered that the policies contained within the draft Pagham Neighbourhood Plan cannot be attributed any weight by virtue of the lack of progress on the plan since consultation took place in 2015 and the adoption of the Arun Local Plan (2011-2031).

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. The proposal is also located in a strategic allocation within the built-up area boundary and accords with policy H SP2 and will cumulatively meet the requirements of H SP2a in conjunction with other strategic allocation applications in Pagham.

The proposal also makes adequate contributions towards necessary infrastructure in accordance with policy INF SP1 of the Arun Local Plan (2011-2031).

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 application site falls within the parish of Pagham and the development plan for the determination of this application comprises the Arun Local Plan (2011-2031). The Pagham Neighbourhood Plan (PNP) is currently under preparation and has reached Reg. 14 stage with the consultation period running from the 2nd October 2015 to the 13th November 2015. The PNP has not been made and as such does not form part of the development plan as defined by section 38 of the Planning and Compulsory Purchase Act 2004.

Arun Local Plan (2011-2031)

The key policy considerations in the determination of this application are considered to be;

Policy H SP1 - establishes the housing requirement within the plan period (2011-2031) of at least 20,000 new homes within the Arun District. This includes SD2 Pagham north (at least 800 dwellings) and SD1 Pagham south (at least 400 dwellings).

Policy H SP2 - identifies that development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design which gives a sense of place.

It is identified that the comprehensive development of the allocation will need to meet the following key requirements;

- a. Integrate appropriately with surrounding communities through an appropriate design particularly where they adjoin by providing for public realm improvements, shared community uses, and connectivity of transport modes including walking, cycling and public transport.
- b. Ensure a clear and harmonious relationship between town and country including clearly defined boundaries, using physical features that are readily recognisable and likely to be permanent.
- c. Protects, conserves or enhances the natural environment, landscapes and biodiversity.
- d. Incorporate high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces.
- e. Extend, enhance and reinforce strategic green infrastructure and publically accessible open space.
- f. New community hubs where required to be provided, shall be well located taking account of the

permeable layout to all transport modes and shall as far as possible cluster retail, commercial and community uses.

- g. Where existing village centres are within or will serve the needs of strategic development sites their improvement as sustainable centres will be required.
- h. Where community buildings are provided these shall be designed and provide for a range of uses such as healthcare, police, faith and community groups.
- i. Integration of community hubs and local centres of an appropriate form and scale into the design and layout of development proposals where identified in the specific allocations policies in H SP2 a-c.
- j. Ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport.
- k. Address the off-site capacity requirements, that related to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network.
- l. Positively respond to sustainable water management taking particular account of the coastal plain topography which may require strategic surface water solutions.
- m. Maintain and enhance any important features, characteristics and assets of the local area.
- n. Provide for the required infrastructure, which relate to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan.
- o. Enable strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District.
- p. Consider inclusion of an area of the sites for self-build and custom build.
- q. Consider the delivery of an area as a site for Gypsy and Traveller accommodation.

Policy H SP2a - identifies the strategic allocation of at least 1,200 dwellings in Pagham over the plan period. This includes allocation SD1 (Pagham South) for at least 400 dwellings and allocation SD2 (Pagham North) for the provision of at least 800 dwellings. The policy requires development proposals to meet the following key design and infrastructure requirements;

- a. Ensure no detrimental impact to Pagham Harbour SPA.
- b. Take into account nearby heritage assets.
- c. Provide a new one-form (expandable to two-form) primary school and nursery places.
- d. Provide a care home facility.
- e. Provide a community hub which includes.
 - shops and complimentary uses.
 - community building (Tier 7 library, D1/sui generis floor space)
 - provision of land for scout hut, and
 - land for an ambulance community response post
- f. Provision of public open space to include children's play areas, landscaping, drainage, and earthworks.
- g. Contribute to the provision of an enhanced local cycle network by making on site provision and appropriate off site financial contributions
- h. Where possible, provide pedestrian and cycle routes to Bognor Regis town centre in order to enhance the sustainability of the site.

In order to establish the principle of the proposed development it will be necessary to assess the proposed development against the policy requirements of H SP1, H SP2 and H SP2a. Whilst, policies within the PNP have been identified as material considerations in accordance with paragraph 48 of the National Planning Policy Framework they cannot be attributed any weight in the determination of this application by virtue of the lack of progress and the adoption of the Arun Local Plan (2011-2031).

The application site is located within the built-up area boundary (BUAB) as defined by policy SD SP2 and forms part of strategic allocation SD2 (Pagham North) and seeks outline planning permission for up to 280 dwellings. Therefore, this application in conjunction with P/6/17/OUT will equate to a total of 580

dwellings of the 800 identified by strategic allocation SD2 (H SP2a) and is deemed to accord with Policy H SP1 of the Arun Local Plan (2011-2031).

The proposal includes land for the provision of an ambulance community response post, a replacement scout hut and land for either a 1FE primary school or a care home. Therefore, the proposed development would meet the policy requirements of H SP2a (e) (iii) and (iv) of the Arun Local Plan. The proposed 1FE school site would fail to accord with H SP2 (c) however the preferred location for the primary school has been identified as Summer Lane (P/140/16/OUT) by West Sussex County Council (WSCC) as this would provide a primary school facility closer to the centre of Pagham.

Planning application P/140/16/OUT has incorporated 2,000sqm of A1/A2/A3/D1/sui generis floor space which would provide a community hub and address the requirements of H SP2 (i) and (f) and H SP2a (e. i) of the Arun Local Plan. Therefore, there is no requirement for the inclusion of a local centre as part of this application although it will be necessary for the development to provide walkable access to local centres and facilities in accordance with policy H SP2 (j) of the Arun Local Plan. The proposal incorporates pedestrian access to Sefter Road and Rose Green Road and will provide suitable pedestrian access to existing facilities. Therefore, it is considered that the proposed development will enhance integration with existing communities and provide opportunities for walking to nearby facilities and services in accordance with policy H SP2 (g).

The proposed development will have a limited presence within the street scene when viewed from Rose Green Road and Lincoln Road by virtue of the existing residential development. Views of the site from the west will be restricted by existing field boundary planting, whilst to the north views from Lower Bognor Road are possible, the existing residential development to the north of Rose Green Road (south of the application site) has an extremely limited presence. The application was accompanied by a Heritage Assessment and the impact of the proposals upon the setting of nearby heritage assets has been considered as part of this application. It has been concluded later in the report that the proposals will not result in any significant impact upon nearby heritage assets. Thus, the proposed development is deemed to accord with policies H SP2 (c), (m) and H SP2a (b) of the Arun Local Plan.

The Council's Ecological Advisor has advised that subject to appropriate conditions the proposed development would not result in an unacceptably adverse impact upon biodiversity or ecology at the site. The application site is situated approximately 2.2km to the north-east of the Pagham Harbour SPA/Ramsar and as such it is necessary, in accordance with the Birds and Habitats Directives, to consider the impact of the proposal upon the integrity of the SPA/Ramsar site. The Local Authority instructed Ecological Planning & Research Ltd (EPR) to undertake a Habitat Regulations Assessment on behalf of the LPA. The Appropriate Assessment has concluded that, providing that the avoidance and mitigation measures are secured and implemented, the development would result in no adverse effect upon the integrity of Pagham Harbour SPA/Ramsar. As such the development is deemed to accord with policy H SP2a (a) of the Arun Local Plan. The proposals compliance with Policy ENV DM2 is considered in detail later in the conclusion to this report.

The development framework plan has demonstrates how green space has been incorporated throughout the development, with footpaths and cycleways running around the development site. The design code masterplan (which will be secured via condition) will need to demonstrate how planting will be incorporated throughout the site and within the main streets and open spaces. Financial contributions have been secured as part of the S106 agreement towards the enhancement of footpaths 101, 104 and 106 to create an off-road cycle route towards Chichester (via south Mundham). Therefore, it is considered that the proposal will accord with policy H SP2 (d) and (e) as well as policy H SP2a (f) and (g) of the Arun Local Plan.

A Sustainability Appraisal was undertaken in support of the Arun Local Plan with the site being

considered sustainably located. The site is located within acceptable walking distance of existing facilities and those proposed by nearby developments (incorporating a scout hut, primary school and community hub). Bus stops are situated to the south of the application site Rose Green Road within suitable walking distances. Therefore, the proposal accords with policy H SP2 (j) of the Arun Local Plan.

The highway infrastructure improvements, to be secured via the s106 agreement, are considered sufficient and adequate to mitigate against the highways impacts of the proposed development in accordance with policy H SP2 (k) of the Arun Local Plan. This has been considered in greater detail later in the conclusion to this report.

The Council's Drainage Engineers have been consulted in relation to the proposed drainage strategy and no objection has been raised. A total of 6 conditions have been requested and these have been included in the recommendation. This has included the requirement for winter groundwater monitoring to be undertaken prior to the commencement of development. This work will ensure that the detailed drainage design takes account of site specific considerations. Therefore, subject to the inclusion of these conditions it is considered that the proposed development will accord with policy H SP2 (l) of the Arun Local Plan.

A number of financial contributions will be secured towards infrastructure provision via the S106 agreement. These contributions are detailed in the attached Heads of Terms and considered in detail later in the conclusion to this report. However, based upon the contributions to be secured it is considered that the proposals will accord with H SP2 (n) of the Arun Local Plan. The Infrastructure Delivery Plan (IDP) 2017 does not identify the requirement for any district wide infrastructure to be incorporated as part of the strategic allocations at Pagham and as such the proposals does not conflict with policy H SP2 (o) of the Arun Local Plan.

No desire has been expressed by the applicants to incorporate self-build or custom build dwellings at the site and no evidence has been submitted in support of the application detailing any considered of the incorporation of an area of Gypsy and Traveller accommodation. However, policy H SP2 only requires consideration and does not require inclusion and as such the proposal is not considered to conflict with policy H SP2 (p) and (q) of the Arun Local Plan.

As identified above, it is considered that the proposed development will accord with policies SD SP3, H SP1, H SP2 and H SP2a of the Arun Local Plan. Therefore, the principle of the proposed development is considered acceptable subject to accordance with relevant policies contained within the Arun Local Plan and the National Planning Policy Framework (NPPF).

ILLUSTRATIVE LAYOUT AND DESIGN

Policy H SP2 of the Arun Local Plan requires that Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas incorporating high quality imaginative design giving a strong sense of place and a permeable layout. It also requires strategic allocations to (amongst other matters) integrate with the surrounding communities, provide well connected green spaces, provide improvements to existing village centres and deliver infrastructure.

It should be highlighted that this outline application only relates to access with layout, scale, appearance and landscaping being reserved matters. Therefore, the development framework plan submitted in support of the application is only indicative but does show that the site can accommodate the scale of development proposed whilst providing adequate open space provision and respecting the site's location on the edge of the settlement.

The application is supported by a Design and Access Statement which clearly demonstrates how the

indicative layout was arrived at and adequately demonstrates that the proposed development can be efficiently accommodated on site. The Design and Access statement has identified the opportunities and constraints present at the site and responded to these with the design of the development.

The development framework plan shows the sites vehicular access from Sefter Road with pedestrian access being provided onto Rose Green Road. It has been demonstrated that the indicative layout will achieve acceptable walkable access to community, recreational and shopping facilities both within the proposed development and outside of the site boundaries in accordance with H SP2 (f), (i) & (j) of the Arun Local Plan.

The site proposes approximately 8.32ha of residential development with 4.8ha of open space. The design and access statement establishes key principles for the development including permeability, street design, scale and external appearance.

The design and access statement identifies that development will predominantly consist of 2 storey dwellings and identifies that 2 1/2 and 3 storey development in the centre of the site is likely to be acceptable.

The main portion of residential development is situated to the north of Osborne Way and west of Lincoln Avenue with the development proposing a density of approximately 34.5 dwellings per hectare (dph). The existing residential development in Osborne Way is at a density of approximately 48dph with residential development to the west of Lincoln Avenue (along the eastern boundary of the site) at a density of approximately 27dph. Therefore, the proposed density is considered to reflect existing residential development in proximity of the site.

It is considered that further consideration should be given to the scale of development proposed and additional design work will need to be undertaken to ensure that the proposed development reflects the character of Lincoln Avenue to the east (of the application site) with higher density development likely to be appropriate towards the southern boundary of the site where it would be in keeping with the established character of Osborne Way.

The application was considered by the Design Review Panel on the 18 April 2017 and emphasised the need for the site to maximise the connections with the existing community to ensure the site integrates well. The Panel also raised the need for the distribution of the open space to be changed, the location of community facilities to be re-considered and relationship between water management of the open space to be altered.

The LPA will not accept a generic housing estate on the edge of the built up area boundary and the developer will be expected to undertake the necessary work to achieve a development of the highest possible quality which reflects the character of the locality. A condition has been incorporated with the approval requiring the submission and approval by the LPA of a 'Design Code Masterplan' prior to the submission of any reserved matters application. It is a requirement of the condition that this document will reflect the principles established within the Design and Access statement submitted in support of this application in accordance with the comprehensive masterplanning requirements of policy H SP2.

It is considered that the development framework plan in conjunction with the Design and Access statement demonstrates that the development has been comprehensively master planned in accordance with policy H SP2 of the Arun Local Plan.

The residential development will have a limited presence within the street scene when viewed from Rose Green Road by virtue of the existing residential development. The western most portion of the site situated to the north of Sefter Road will have a presence within the street scene with development

situated approximately 50m from Sefter Road.

It is considered that the proposed development will have some presence within the street scene of Lincoln Avenue with views restricted to the gaps between the bungalows and chalet bungalows situated to the west of Lincoln Avenue. Views of the site from the west will be restricted by existing field boundary planting, whilst to the north views from Lower Bognor Road are possible, the existing residential development to the north of Rose Green Road (south of the application site) has an extremely limited presence. Therefore, it is considered that with appropriate landscape planting along the northern boundary of the site that the proposed development will not adversely impact upon the established character of the locality.

With layout, scale and appearance being reserved matters there is no requirement at outline stage to undertake a detailed analysis of the indicative information provided. However, it is considered that the indicative information provided adequately demonstrates that the proposed development can be accommodated on the site and designed in a way which will ensure that the established character of the locality is respected in accordance with policy policies D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Given that this application has been submitted in outline and relates to access only it is not possible to make a full analysis of the potential residential amenity impacts of the development. However, it is considered that given the separation distances between the existing residential development to the south and east of the application site and the separation distances shown on the development framework plan there would not be any unacceptably adverse overbearing, overshadowing or overlooking impacts (subject to appropriate design, fenestration arrangements and scale). As such, the proposed development is deemed to accord with policy D DM1(3) of the Arun Local Plan.

It is acknowledged that the proposed development will likely give rise to some adverse impacts upon existing views from nearby residential development. However, it must be stated that the loss of a private view is not a material consideration in the determination of a planning application.

A conflict has been identified between the existing Osborne Refrigeration site which is situated to the west and south of the proposed residential development. A supplementary noise assessment (10th May 2017) was prepared in support of the application and identified measures to mitigate noise generated by the existing B2 use. These included a 3m high acoustic fence and an additional buffer zone of 10m to achieve external noise levels in private amenity areas of <50dB during the day time.

During the night a noise limit of 30dB inside of bedrooms has been proposed. It has been identified within the noise assessment that noise levels will be elevated with the proposed 3m high acoustic barrier as opposed to the originally identified 4m barrier (which was identified as visually unacceptable by the LPA. Therefore, it will be necessary for glazing to be adopted achieving 28dB noise reduction. It has also been identified within the supplementary noise assessment that planning approval P/1/12 relating to the extension of the Osborne Refrigeration use restricted the hours of operation to 0700 and 1900 on weekdays and 0700 and 1200 hours on Saturday. Planning approval P/118/07 which permitted the B2 general industrial use included a restrictive condition preventing vehicles from entering or leaving the site between the hours of 2100 and 0700, except for the company lorry making a nationwide or euro-wide delivery.

In response to the comments of Environmental Health concerning an alternative (noisier) manufacturer taking over the existing B2 use and operating throughout the night the supplementary noise assessment has considered the impact of metal fabrication inside the existing building, This work has concluded that at the nearest sensitive receptor a rating of 48dB was identified at ground floor level and 51dB at first floor level externally. Standard thermal double glazing and attenuated trickle vents have been identified

as sufficient to control external noise intrusion to within the criterion of 30dB inside first floor bedrooms during the night.

Some disturbance is anticipated during development of the site and an appropriately worded construction management condition has been incorporated as part of the recommendation. It is considered that such a condition would provide adequate control to minimise disturbance during development.

Therefore, a condition has been incorporated and on this basis it is considered that the proposed development would not give rise to any unacceptably adverse harm to the residential amenity of existing nearby residential properties or future occupiers of the site.

Policy QEDM2 of the Arun Local Plan requires proposals which involve outdoor lighting to be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards. A lighting statement has not been provided in support of this application. However, a condition has been included requiring the submission of a scheme for external lighting in accordance with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3. Therefore, it is considered that, subject to condition, the proposal will accord with policy QE DM2 of the Arun Local Plan.

Paragraphs 112 - 116 of the NPPF refers to advanced, high quality and reliable communications infrastructure as being essential for economic growth and social well-being. Therefore, it is considered that the provision of broadband for future occupiers on site is essential and as such a condition has been incorporated within the recommendation requiring the submission of a strategy for the provision of broadband to be submitted and approved by the Local Planning Authority prior to the commencement of development.

HOUSING MIX

The application is in outline and has not identified an indicative housing mix for the proposed development. Policy H DM1 states that the tenure mix for development schemes should be negotiated on a case by case basis taking any necessary viability considerations into account. However, it is advised that developments should have regard to the most up to date version of the SHMA (Strategic Housing Market Assessment).

Paragraph 61 of the NPPF identifies that planning policies should secure dwellings of sizes, types and tenures to meet the needs of different groups within the community. This includes but is not limited to, families with children, older people, students, people with disabilities, service families and travellers.

Policy H DM1 identifies a requirement to secure housing that would meet the needs of older people. The 'Updated Housing Needs Evidence - September 2016' (PELVP23) paragraph 5.17 states that there is a requirement to secure both specialist housing for older people as well as residential and nursing home bedspaces (falling within use class C2). The application identifies that the site will accommodate a 1FE primary school or care home. As the primary school is to be accommodated elsewhere it is expected that the care home will be provided on site which would provide residential accommodation for older people on site to help in meeting the identified increasing demand.

In addition it is expected that the development should incorporate single floor living such as bungalows or accessible flats. It is expected that any reserved matters application will incorporate such accommodation to meet the needs of the community.

Therefore, the proposed development is deemed to accord with policies H DM1 and AH SP2 of the Arun Local Plan.

HIGHWAYS AND PARKING

Access Arrangements

The application proposes a vehicular access onto Sefter Road with a secondary walking, cycling and emergency access situated off Rose Green Road.

The proposed access arrangements have been considered by the Local Highways Authority who have confirmed them as acceptable in their consultation response of the 9th April 2018. However, it was identified by WSCC that appropriate consent may be required to pipe the ditch which currently runs alongside the road in this location and the applicant should confirm prior to works commencing whether ditch works are within tree root protection zones.

It has also been identified that street lighting will need to be provided in the vicinity of the site access junctions and within the new estate roads.

Therefore, it is concluded in the WSCC consultation response that the proposed development when viewed alone will not result in any severe capacity impacts in accordance with Paragraph 109 of the NPPF.

Policy T SP1 requires that appropriate levels of parking are provided in line with WSCC guidance, including considering the impact on street parking (T SP1). The application is currently for outline permission with all matters reserved save for access. Therefore, parking provision and arrangement will be considered in detail at reserved matters stage. It is expected for the applicant to consult with WSCC Highways and consider the WSCC Parking Demand Calculator when undertaking detailed design for the site. It is also a requirement for cycle storage to be provided on site and any garages to be provided on site will be expected to have a minimum internal dimension of 3.0m x 6.0m and internal cycle racks or fixing should be provided in garages and properties without garages should be provided with cycle sheds in rear gardens.

Strategic Highways Network

Highways England have been consulted in relation to the proposed development and a holding objection had been placed upon the development until such time as an appropriate contribution was made to the enhancement of the Whyke Roundabout on the A27 (located to the north of the proposed development).

The financial contributions required for these enhancements have been identified by Highways England but will not be secured as a financial contribution via the S106 Agreement. Instead a non-financial obligation requiring the developer to enter into a section 278 agreement with Highways England has been secured as part of the overall s106 agreement. The s278 agreement is an alternative means of this development mitigating the impact on the strategic highways network.

Cumulative Impacts

A Cumulative Transport Assessment (CTA) has been prepared in support of this application and it has been prepared collaboratively with those (CTA's) submitted in support of planning applications P/134/16/OUT, P/140/16/OUT and P/6/17/OUT. The scope of the CTA has been the subject of discussion and agreement with the Local Highway Authority (LHA).

The CTA has considered the impact of the proposed development in conjunction with other developments in Pagham on a number of junctions in and around the application sites.

It has been identified by the LHA that a large number of 3rd party objections submitted to the Local Planning Authority (LPA) regarding delays on the B2166 (Pagham Road) arising from slow moving traffic associated with other uses. Whilst, these comments are acknowledged given that these are existing issues on the highways network, it is not the responsibility of the applicants of the current application to

resolve.

The three CTA's submitted in support of P/134/16/OUT, P/140/16/OUT and P/6/17/OUT have been considered by the LHA and have been identified as being in accordance with current best practice. The majority of the conclusions within the CTA's are broadly comparable; there were notable difference in the anticipated future operation of the junctions. Most notable of which was Pagham Road/Sefter Road and a further review of the operation of this junction was identified as necessary.

For those junctions where mitigation is required, the proposed works or contributions are considered acceptable in mitigating the severe residual cumulative impacts of the development.

A further technical note has been submitted that reviews the operation of the Pagham Road/Sefter Road junction and this has been considered further by WSCC. The Consultation response (from WSCC) dated the 27th March 2018 considered the revised modelling for the Pagham Road/Sefter Road junction which provided a single model of the junction, with the geometry and traffic flows within this having been agreed by all three applicants (P/134/16/OUT, P/140/16/OUT and P/6/17/OUT).

It was confirmed that the modelled results show that the Sefter Road arm of the junction will start to operate at theoretical capacity in the future without taking into account the proposed development. However, it was identified by WSCC that whilst the development would take the junction over capacity, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Therefore, whilst it was acknowledged by WSCC that drivers will be subjected to additional delays this alone is not considered to constitute a severe impact.

Dougal Baillie Associates - Sensitivity Assessment

The Local Planning Authority in order to ensure that the mitigation measures proposed are adequately robust and mitigate the impact of the proposed development upon the highways network commissioned an independent 'Sensitivity Assessment' undertaken by Dougal Baillie Associates (DBA).

The sensitivity assessment undertaken by DBA confirmed that the proposed mitigation works to the A27 Whyke Hill junction would address the impact of the Pagham developments provided that the works are implemented at the appropriate time. Therefore, the sensitivity analysis was focused upon the following key junctions;

1. B2145/B2166 roundabout;
2. B2166/Vinnetrow Road/Mill Lane roundabout;
3. Pagham Road/B2166 Lower Bognor Road priority junction;
4. Pagham Road/Sefter Road priority junction; and
5. Grosvenor Gardens/Rose Green Road/Nyetimber Lane/Gossamer Lane traffic signals.

The sensitivity assessment in this case has identified that;

1. The junction improvements proposed for junction 1 (above) would not entirely offset the impacts of the Pagham developments. However, relatively modest enhancement of the proposed roundabout approach widening would adequately offset the predicted impact.
2. The proposed physical improvements to junction 2 (above) would be sufficient to offset the cumulative traffic impact of the Pagham sites.
3. The sensitivity assessment revealed that simple signalisation of this junction would not be sufficient to offset development traffic impact, and widening of the southbound approach to two traffic lanes for a distance of 50m would also be required.
4. Signalisation of the existing junction would offset development traffic impact in conjunction with a localised speed limit.

5. The signal timings proposed in the Pagham Transport Assessments would accommodate the additional traffic generated by the proposed developments.

The sensitivity analysis commissioned by the LPA identified supplementary improvements to the following junctions and associated indicative costs;

- B2145/B2166 roundabout - £98,000
 - Pagham Road / Sefter Road - £140,000
 - Pagham Road / Lower Bognor Road - £250,000
- Total: 488,000

In addition to these modified works the following junction improvements identified within the applicants transport assessments are necessary;

- Rose Green Road widening - £81,000
 - B2166/Vinnetrow Rd. widening - £23,000
- Total: £104,000

Following the publication of the DBA sensitivity analysis the developers (for P/134/16/OUT, P/140/16/OUT and P/6/17/OUT) have submitted an amended 'Common Statement of Cumulative Assessments'. Each of the developers has agreed to undertake junction improvement works on behalf of the Local Highway Authority (LHA), as follows;

- P/134/16/OUT - Rose Green Road widening
- P/140/16/OUT - B2145/B2166 roundabout
- P/6/17/OUT - B2166/Vinnetrow Rd. widening

The Common Statement of Cumulative Assessment under table 7.3 identified cumulative contributions for each of the developments taking into account the associated costs of the junction improvements identified within the sensitivity analysis. Therefore, the developments will generate a combined highways contribution of £390,000 and a £100,000 contribution towards improvements of footpaths 101, 104 and 106 to provide a route from Pagham to Chichester via Sidlesham. As such, each developer will make the following adjusted contributions;

- P/134/16/OUT - Land North of Sefter Road - £88,142.29 & Footpath Contribution of £28,572.00
- P/140/16/OUT - Pagham South - £143,632.98 & Footpath Contribution of £40,816.00
- P/6/17/OUT - Land north of Hook Lane - £158,224.73 & Footpath Contribution of £30,612.00

The proposed junction improvements go beyond those originally identified and proposed by the applicants and are intended to achieve no net detriment as a result of the additional development traffic. The Community Infrastructure Levy Regulations 2010 set out that a planning obligation must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, it is acknowledged that existing issues are present on the highways network around Pagham but it is not the responsibility of the applicant for this application to resolve these existing issues.

The highway infrastructure improvements, to be secured via the s106 agreement, are considered sufficient and adequate to mitigate against the highways impacts of the proposed development (achieving no net detriment) in accordance with policies T SP1 and H SP2 (k) of the Arun Local Plan.

The financial contributions secured from P/134/16/OUT, P/140/16/OUT and P/6/17/OUT address the highways impacts of the Pagham strategic allocations under policy H SP2a. However, planning

application P/25/17/OUT (Church Barton) has not contributed towards the cumulative mitigation strategy although in theory it should. Therefore, as an alternative a financial contribution towards sustainable transport measures has been identified - it is intended for this financial contribution to finance the implementation an off-road cycle route linking Sefter Road and the strategic allocation West of Bersted. The financial contribution is proportional to the scale of development and is deemed to meet the policy requirements of H SP2a (h) of the Arun Local Plan.

EDUCATION

Policy INF SP1 of the Arun Local Plan states that the Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan).

In terms of education provision within the Infrastructure Delivery Plan (IDP) dated February 2017 it is identified that Pagham north and south should make provision of land and contributions towards a new 1FE primary school (expandable to 2FE) to serve Pagham; contributions towards the 10FE Secondary School located centrally within the District; and contributions towards 50 new nursery places to serve Pagham.

The IDP identifies a total cost of £6million for the construction cost of the new primary school and appropriate contributions have been secured from each of the allocated sites in Pagham towards the delivery of the new primary school. West Sussex County Council (WSSC) in their Section 106 contributions response dated the 24th April 2018 identified a financial contribution of £1,566,600 from this development. A 2 hectare site to facilitate the construction of the new primary school will be secured via planning application P/140/16/OUT. The preferred primary school site is suitably located within Pagham and will be accessible by future occupiers of the strategic allocations as well as existing Pagham residents. The financial contribution and school site will be secured via the s106 agreement.

The IDP identifies a total contribution of £1,896,000, from the 1,200 unit Pagham strategic allocation, towards the creation of 50 new nursery places. Therefore, WSSC have requested a financial contribution of £438,900 from this development, in accordance with the IDP 2017, which will be secured via the s106 agreement.

The IDP 2017 identifies a financial contribution from the 1,200 unit strategic allocations at Pagham north and south of £5.27 million towards the 10FE Secondary school to serve the district (6FE expandable to 10FE). However, WSSC in their consultation response have requested a calculator based contribution towards expansion of Felpham Community College. When the secondary and sixth form contribution was discussed by the Pagham Advisory Group, it was questioned as to why the contribution was being directed to Felpham Community College rather than the Regis School. This was raised with WSSC education who advised that with the expansion of Felpham Community College additional capacity would (eventually) be created at the Regis School. However, it was advised that consideration would be given to directing the contribution to the Regis School for extension.

However, it is considered by the LPA that the proposed contribution should be allocated towards the proposed new secondary school identified under policy INF SP2 of the Arun Local Plan. This is considered necessary as failure for this development to contribute towards the new secondary school will result in a shortfall of financial contributions and potentially jeopardise the delivery of the new secondary school.

The contribution will be prescribed for the associated feasibility and design work as well as the provision of access to serve the new school. Therefore the proposed contribution would provide towards the necessary infrastructure identified within the IDP 2017 as required by policy INF SP1.

Therefore, it is considered that the proposed development (in terms of education provision and contributions) will accord with policies H SP2(n), H SP2a and INF SP1 of the Arun Local Plan.

HEALTH CARE PROVISION

Policy H SP2a (e) (iv) requires the strategic allocations at Pagham (SD1 & SD2) to provide contributions towards new healthcare facilities at West of Bersted (SD3) or alternatively where appropriate proposals may make contributions towards new facilities or improvement or expansion of the relevant existing facility, subject to agreement with the Council.

The Consultation response from the Coastal West Sussex Clinical Commissioning Group dated the 20th June 2017 has requested a financial contribution to Grove House GP Surgery for the infrastructure needs of managing GP consultant health care. This proposed project accords with the requirements of policy H SP2a (e) (iv) of the Arun Local Plan and accords with the requirements of the IDP 2017.

However, in order to ensure that the needs of future residents are best met through health care provision the Section 106 agreement has been worded to allow flexibility to secure the delivery of the most appropriate health care provision. This includes the provision of a new health care facility as part of the West of Bersted (SD3) strategic allocation; the expansion or improvement of Grove House GP Surgery; or the expansion or relocation of Sir Arthur Griffith clinic located in Pagham.

The development has also incorporated land for the delivery of an ambulance community response post facility for the Pagham area as required by the IDP 2017 and identified within policy H SP2a.

Therefore, it is considered that the proposal would accord with policy INF SP1 of the Arun Local Plan.

ADDITIONAL INFRASTRUCTURE CONTRIBUTIONS

Additional infrastructure contributions have been secured towards libraries, fire & rescue, police and leisure facilities. These financial contributions and the identified projects are deemed to accord with the Community Infrastructure Levy Regulation 123 and meet the demand and need generated by the proposed development in accordance with policy INF SP1 of the Arun Local Plan.

Full details of the contributions secured are provided in the heads of terms attached to this report.

AGRICULTURAL LAND

The Natural England 'Agricultural Land Classification map London and the South East (ALC007)' identifies the site being classified as Grade 2 to the east with a small portion of the site to the west classified as Grade 3 agricultural land.

The Ministry of Agriculture, Fisheries and Food 'Agricultural Land Classification - October 1988' identifies Grade 2 as 'very good quality' and Grade 3 as 'good to moderate quality'. The NPPF (paragraph 170b) requires that the Local Planning Authority takes into account the economic and other benefits of this type of land.

The application was accompanied by an Agricultural Land Considerations Report (December 2016) which confirms that the soil on site is classified as Grade 2 (26.7%), 3a (51.7%) and 3b (21.6%). Therefore, the site comprises 10.5ha of best and most versatile (BMV) agricultural land but it is concluded under paragraph 7.3 that there are no significant effects on agriculture as a result of the proposed development.

The application site has been allocated for residential development under policies H SP1 and H SP2a of the Arun Local Plan and has been the subject of significant assessment prior to allocation. Therefore, it is considered that this provides evidence that alternative options for the location of this strategic allocation

have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites. The Arun Local Plan (2011-2031) Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land and that the majority of the strategic allocations would have a significant negative effect on the objective of avoiding the loss of 'best and most versatile' (BMV) land. The loss of BMV is one factor in the site selection and decision making process.

Policy SO DM1 of the Arun Local Plan states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the site is a strategic allocated within the Local Plan the proposal would not be the subject of assessment under policy SO DM1.

AFFORDABLE HOUSING

For all developments over 11 residential units the Council requires a minimum of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan. Policy AH SP2 of the Arun District Local Plan (2011-2031) identifies the following mix of affordable homes (unless evidence indicates otherwise):

- 1 Bed - 35-40%
- 2 Bed - 30-35%
- 3 Bed - 20-25%
- 4 Bed - 5-10%

The proposed affordable housing provision has been considered by the Housing Strategy and Enabling Manager and it has been identified that an Affordable Housing Statement will be required to understand the detail of the 30% affordable housing on site. As this application is for outline consent the LPA will not have full details of the format of the affordable housing provision until the detailed design stage. However, the application does propose to provide 30% affordable housing which equates to 84 dwellings for a scheme of 280 units. The affordable housing provision is deemed to be acceptable and will be secured via the Section 106.

The affordable housing mix will be secured via legal agreement and as such the proposal is deemed to accord with policy AH SP2 of the Arun Local Plan.

ECOLOGY AND BIODIVERSITY

The application is accompanied by an Ecological Appraisal (December 2016) which has considered the ecological interests of the application site and the importance of the habitats present in accordance with current guidance. The Ecological Appraisal has considered mitigation measures as well as ecological enhancements.

The proposed development has been considered by the Council's Ecological Advisor who has raised no objection to the proposed development. It was identified in their consultation response of the 4th January 2017 that the proposed mitigation measures identified within section 6 of the Ecological Appraisal (December 2016) are generally acceptable and a condition should be included with any approval requiring the submission of a detailed mitigation and enhancement strategy prior to the commencement of development.

Therefore, subject to the proposed conditions it is considered that the development will not give rise to any unacceptably adverse effects to ecology and biodiversity at the site. The proposed development subject to appropriate conditions (included with this recommendation) is deemed to accord with policy ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan.

The Council's Tree Officer has considered the development and has raised no objection. However, it has been identified that an Arboricultural Method Statement and Tree Protection Plan will need to be

provided in support of the application at reserved matters stage. Therefore, a condition has been incorporated as part of this recommendation report requiring the submission and approval of this detail prior to the commencement of development on site. Therefore, it is considered that subject to this condition the proposed development will accord with policy ENV DM4 of the Arun Local Plan. The Council's Tree Officer has also identified that a Tree Preservation Order (TPO) should be created at the site.

PAGHAM HARBOUR SPA/RAMSAR

Policy H SP2a (a) (SD1 and SD2) identifies that proposals will need to ensure no detrimental impact to Pagham Harbour SPA through compliance with policy ENV DM2 and its supporting text.

Policy ENV DM2 of the Arun District Local Plan states that within Zone B (0-5km) all new residential development which is likely to have an impact on Pagham Harbour will be required to;

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
- ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between existing housing areas and new and existing green spaces in order to discourage car use.

The supporting text under Paragraphs 17.1.18 - 17.1.22 of the Arun Local Plan includes relevant background information on the Pagham Harbour SPA/Ramsar and the means by which the Local Plan policies will ensure its protection.

Paragraph 12.1.15 of the supporting text for policy H SP2a within the Arun Local Plan identifies that the Pagham South (SD1) allocation is within close proximity to Pagham Harbour, which is an important and sensitive natural site within the wider Bognor Regis area. Development from this allocation should reduce any impacts from loss of supporting habitat or recreational disturbance that may arise.

The LPA had originally screened out the application by virtue of the mitigation measures proposed being integral parts of the proposal, in accordance with the approach derived from the *Hart District Council v Secretary of State for Communities & Local Government*. However, the decision of the ECJ in case C-323/17 it was concluded that it was not appropriate to take account of 'measures intended to avoid or reduce the harmful effects of the plan or project' at the screening stage of the Habitats Regulation Assessment process.

Whilst, some inconsistencies exist between this judgement and previous ECJ case law, it will be necessary until such time as further clarification is provided by the ECJ, to consider the efficacy of impact avoidance and mitigation measures such as the strategic access management and monitoring (SAMM) through an Appropriate Assessment.

The Local Planning Authority (LPA) appointed Ecological Planning & Research Ltd (EPR) to undertake the Appropriate Assessment (AA) for the current planning application. The purpose of an Appropriate Assessment (AA) is to further analyse likely significant effects identified during the screening stage. The AA evaluates the implications of the plan or project, in light of the conservation objectives of the affected International Sites and includes a test as to if the plan or project would result in significant adverse effects on site integrity.

Consideration within the AA has also been given to 'in combination effects' where other nearby plans or projects may have the potential to cause negative effects on the integrity of the International Site. These negative effects may act in combination, with those of this planning application, potentially leading to a

'likely significant effect' (LSE) becoming significant. Therefore consideration has been given to whether this application could contribute to effects generated by other plans or projects and vice versa.

The Arun Local Plan HRA Screening Report (UEEC, 2016b) identifies potential effects on Pagham Harbour SPA/Ramsar associated with the 'Pagham North' developments. These are;

- Disturbance;
- Effects on supporting habitat; and
- Water pollution.

These have been considered in Section 4 'Screening of Likely Significant Effects' of the Habitats Regulations Assessment (18/32-1A) dated 14th September 2018 prepared by EPR (on behalf of the LPA).

In relation to disturbance it is concluded in paragraph 4.19 that disturbance impacts arising from the proposed development alone will not trigger a likely significant effect (LSE). However, in combination with other plans and projects it is considered that there is the potential for a LSE. The recent European Court Judgement (ECJ) in 'People Over Wind' means where mitigation measures are relied upon it is not possible to screen out a LSE. Therefore, it will be necessary to explore if the mitigation proposed will avoid an adverse effect upon the integrity of the site.

In terms of recreational disturbance this has been considered under paragraphs 4.13-4.19 of the HRA and it has been concluded that following the recent ECJ ruling (People over Wind) it is no longer possible to rule out a likely significant effect where mitigation measures are relied upon. Therefore, the assessment must progress to AA stage to explore whether any contribution towards an adverse effect on the integrity of the site can be ruled out.

In respect of effects on supporting habitat it has been identified in the 'Screening Conclusion' (paragraph 4.38) that there is compelling evidence in the recent work reported in PELP 33a and Map 2 of the HRA that Dark-bellied Brent Geese are unlikely to use land within or adjacent to the application site to the extent that it can be considered to be 'regularly used functionally linked habitat for Brent Geese'. Natural England agreed with this view in their consultation response to this application have stated that, in view of this and given the presence of other agricultural land being available nearer the SPA, the proposal would not lead to a likely significant effect (LSE) through loss of supporting habitat.

Consideration was also given in the HRA (18/32-1A) to the combined impacts with other plans and projects. This was considered in the Arun Local Plan HRA documents (PELP 33a and PELP 33b) that informed the Local Plan examination in public. These documents were aimed mostly at addressing issues surrounding loss of functional supporting habitat for Dark-bellied Brent Geese at Pagham South, but did clarify the situation at Pagham North. In particular, it referred to new data compiled by Sussex Ornithological Society (SOS), submitted as part of its representations on a number of related planning applications at Pagham North and South.

It was concluded by Natural England (NE) that the nature of the site and its distance from Pagham Harbour means that it is unlikely to be regularly used functionally linked habitat. This and the availability of other agricultural land nearer the SPA led NE to conclude that the proposal would not lead to a LSE through loss of supporting habitat.

Paragraphs 4.42-4.61 of the HRA (18/32-1A) consider the potential 'Water Pollution' impacts of the development. It is identified under paragraph 4.56 that the ALP HRA Screening Report identifies a potential issue with capacity at the Pagham WWTW and it was advised by Natural England that subject to sufficient capacity in combination with other developments there will be no LSE from water quality

impacts.

It has been acknowledged under paragraph 4.59 that Southern Water will be seeking to provide adequate capacity for each of the developments. However, in order to secure this a condition has been proposed to ensure that each of the developments are delivered in phases in line with the reinforcement works to be implemented by Southern Water. It is likely that water pollution impacts from the development will not trigger a LSE on the Pagham Harbour SPA/Ramsar. However, as the proposed planning condition constitutes mitigation it is not possible for water pollution impacts to be screened out and an AA in relation to water pollution impacts is required.

Recreational disturbance and water pollution have been identified as required to progress to the Appropriate Assessment stage. The proposed mitigation measures in relation to recreation impacts at Pagham Harbour SPA/Ramsar are identified under paragraph 5.45 as consisting of;

- Provision of suitable greenspace within the development; and
- Payment of strategic access management and monitoring (SAMM) tariff.

Paragraph 5.52 states that the avoidance and mitigation strategy outlined by the applicant is suitably robust and meets the tests set by the consideration under AA, provided that any planning permission is conditional on the Council agreeing in writing;

- A 25 year management plan for the open space, setting out the costed prescriptions for delivering appropriate public access and providing clear commitments from appropriately qualified operators to implement the prescriptions; and
- The signing of a legal agreement obliging the applicant to secure appropriate ownership of the open space and to provide funds for the 25 year management plan.

It is identified under paragraph 5.56 that reliance on Southern Water has been tested through the EiP of the ALP and it is reasonable to rely on them to deliver effective mitigation through enhancement and reinforcement works. In order to avoid water pollution effects it has been identified that ADC will require any planning permission to be conditional on a suitably worded condition to ensure development is phased and implemented to align with delivery of sewerage network reinforcement.

As a consequence of the proposed mitigation measures it is considered that ADC can be confident that they will avoid or mitigate an adverse effect on the integrity of Pagham Harbour SPA/Ramsar, alone and in combination with other plans and projects. Natural England has reviewed the Habitat Regulations Assessment Report and concurs with the findings that the proposal is likely to have a significant effect on Pagham Harbour SPA/Ramsar through increased recreational disturbance and water quality impacts. They also agree with the conclusions of the Appropriate Assessment that the mitigation measures set out above (i.e. contribution to SAMM Strategy, provision of greenspace on site and alignment with Southern Water's delivery programme) are required to avoid an adverse impact on the integrity of the SPA/Ramsar site. They advise that appropriate planning conditions or obligations are attached to any permission to secure these measures. As set out above conditions and obligations proposed will ensure these measures are secured.

Therefore, it is considered that the proposed development will accord with policy ENV DM2 of the Arun Local Plan.

DRAINAGE AND FLOODING

The entirety of the application site is identified as falling within Flood Zone 1 and as such is at low risk of flooding. The Environment Agency have been consulted and no comments were provided.

The Preliminary Surface Water Drainage Strategy submitted in support of the application identifies that a comprehensive sustainable drainage system will be implemented to prevent runoff from this development increasing flood risk on surrounding land. The detailed design of the drainage proposal will be established at detailed design stage. An indicative strategy has been provided to show that SuDS can be provided at the site.

It is proposed that drainage from the proposed development will consist of three separate SuDS attenuation basins which are located within each sub catchment. The flows from SuDS features located within catchment areas 1 and 2 will be discharged to an anti-tank ditch at rates agreed with ADC. Flows from catchment area 3, will be discharged into the watercourse at rate to be approved by ADC.

The proposed drainage strategy has been considered by the Council's drainage engineers who have raised no objection. The indicative drainage strategy accords with the opportunities identified within the Arun Strategic Surface Water Management Study - Stage 3 Report (October 2016) and the detailed drainage design should reflect the finding of this report.

A number of conditions have been requested by the Council's Drainage Engineers and these conditions have been incorporated into the recommendation. These conditions have included the requirement for winter groundwater monitoring to be undertaken prior to the commencement of development. This work will ensure that the detailed design of the SuDS will take account of site specific considerations.

FOUL DRAINAGE

Southern Water has been consulted in relation to this application and has advised that their initial investigations indicate that they cannot provide foul sewage disposal to service the proposed development.

Southern Water in their most recent consultation response dated the 13th April 2018 have stated that a foul connection at the "practical point of connection" as defined in the New Connections Services implemented from the 1st April 2018 would result in an increased risk of flooding unless network reinforcement is undertaken. The reinforcement work will need to be provided by Southern Water and will be funded via the new infrastructure charge.

However, this was considered as part of the Arun Local Plan Examination in Public and it was identified that the agreed approach for addressing waste water treatment capacity for the strategic allocations at Pagham in the Arun Local Plan, is to divert flows to Lidsey and Ford WWTW, with reinforcement works (funded by developer contributions) to plants and pumping mains to be brought forward over time in line with housing delivery.

Southern Water have stated that they will need to work with the developer to understand the development program and review if the delivery of network reinforcement aligns with the occupation of the development. A condition has been requested by Southern Water to secure this and it is considered that this will be necessary to avoid any unacceptably adverse impact upon Pagham Harbour SPA/Ramsar in accordance with policy ENV DM2 of the Arun Local Plan.

BUILT HERITAGE AND LISTED BUILDINGS

Paragraphs 20(d) of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment.

Paragraph 190 of the NPPF identifies that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development which may affect the setting of a heritage asset), taking into account any available evidence and necessary expertise.

Paragraph 192 of the NPPF states that in the determination of planning applications the LPA should take account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Irrespective of whether any potential harm amounts to substantial harm.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

There are three listed buildings situated between 48 and 70m to the south of the application site, these buildings are 92, 96 and 98 Rose Green Road and these are residential dwellings identified as Grade II listed buildings.

These listed buildings are separated from the application site by existing residential development and as such it is considered that the proposed residential development will result in less than significant harm.

A further 3 listed buildings are situated approximately 650m to the north (south of Lower Bognor Road) and 2 are situated 650m to east of the application site (east of Pagham Road). These are all agricultural farm buildings and as such the rural countryside surrounding them is a key aspect of their setting.

Given the separation distances between the application site and the nearest listed building, and the retention of significant agricultural land to the north of the application site it is considered that the proposed development will not have an unacceptable adverse impact upon the significance these nearby heritage assets.

Therefore, it is considered that the proposed development will preserve the setting of listed buildings surrounding the site and as such would accord with policies HER SP1, HER DM1 and HER DM4 of the Arun Local Plan. It should also be considered that the proposed development makes a significant contribution to the Local Planning Authorities housing land supply and is an allocated site within the Arun Local Plan. Therefore, it is considered that the public benefits of the development would outweigh any harm to the setting or significance of heritage assets in accordance with paragraphs 196 and 197 of the NPPF.

ARCHAEOLOGY

The proposal has been considered by the Council's Archaeology Adviser who has stated that the potential of the proposed development to impact on unknown remains of archaeological importance justifies an investigation of the site and would be best secured via a suitably worded condition. This condition has been included as part of the recommendation and it is considered that by virtue of this the proposed development will accord with policy HER DM6 of the Arun Local Plan.

RENEWABLE ENERGY

Policy ECC SP2 of the Arun Local Plan identifies that major developments 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.

SUMMARY

The proposed development is considered to be acceptable in principle as has been established above and it has been identified within the report that the proposal will not conflict with the development plan.

The impact of the proposed development upon existing infrastructure has been mitigated through financial contribution and the provision of services and facilities. Adequate mitigation measures have also been identified which will mitigate the impact of the development upon the Pagham Harbour SPA/Ramsar site to the south-west of the application site. The developer has also agreed to provide 30% affordable housing which equates to 84 dwellings for a scheme of 280 units.

Therefore, the proposed development is deemed to accord with the requirements of policy H SP2 and will cumulatively meet the requirements of H SP2a (SD1 & SD2) in conjunctions with planning applications P/140/16/OUT and P/6/17/OUT.

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 impacts 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) have been considered in the determination of this application.

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

SECTION 106 DETAILS

See attached Heads of Terms summary.

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) Landscaping.

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

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

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

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

Site Location Plan - CSA/2038/113 Rev D
Proposed Access Arrangements - 12-018-024 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan (2011-2031).

- 4 No development shall take place until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of commencement and completion within each phase of construction.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 No development 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 has 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 D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 6 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the objectives of the;

- Development Framework Plan - CSA/2038/119 Rev D Option 2 and 3
- Design and Access Statement - December 2016

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code masterplan.

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

7 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 hard and soft landscape design for the development including the layout and design of the public realm within the development;
- v. 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 ENV DM4 of the Arun Local Plan.

8 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of each phase or sub phase of the development hereby permitted or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the phase or sub-phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

9 Prior to the commencement of the development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

10 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 scheme shall adhere to the principles below;

- The design should following the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manual Produced by CIRIA. Winter groundwater monitoring to established 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.

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

- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies D DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to the commencement of development.

11 No building shall be occupied until the complete surface water drainage system serving it 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 D DM1, W DM2 and W DM3 of the Arun Local Plan.

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

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

13 Upon completed construction of the surface water drainage 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 surface water drainage system 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 surface water drainage 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 Policies D DM1, W DM2 and W DM3 of the Arun Local Plan.

- 14 Before the development hereby permitted is commenced, details of the proposed the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate).

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Pagham Harbour SPA/Ramsar in accordance with policies D DM1, W DM1, W SP1, ENV DM2 and H SP2a of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 15 Prior to the commencement of development of any preparatory works an Ecological Protection & Enhancement Plan shall be submitted to and agreed in writing by the Council. The Plan shall be based on the mitigation measures proposed in Ecological Appraisal dated December 2016 prepared by Aspect Ecology and will include a programme of ecological monitoring to inform the long term management of the site. The Ecological Protection & Enhancement Plan shall include a full mitigation strategy for reptiles and a work programme with clear timelines for each mitigation measure to be carried out. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

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

- 16 Prior to the occupation of any dwelling of a particular phase, a scheme for external lighting shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.

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 and no lighting will be installed within the buffer zones and GI areas. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan.

- 17 Prior to the commencement of development, including any works of demolition, a Construction Management Plan shall be submitted for approval 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,
- full details of the construction compound,
- soil resources plan,
- dust mitigation measures,
- noise reduction measures,
- 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.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 18 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

8.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

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

- 19 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the Construction Management Plan at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D DM1 of the Arun Local Plan.

- 20 Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan for the construction phase of development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

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

phase of development.

- 21 No use within the development shall be first occupied until such time as the access to the site from Sefter Road has been provided in accordance with the details shown on drawing no. 12-018-024 Rev A.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 22 Prior to development commencing, a construction programme for the development setting-out when roads, footpaths, walking, cycling and emergency routes are to be constructed is submitted to and agreed with the LPA after consultation with the County Highway Authority. Once agreed, the internal roads, footways, footpaths, cycleways and emergency routes shall be constructed in accordance with the programme and plans.

Reason: In the interests of road safety and to ensure timely delivery of all necessary infrastructure in accordance with policy T SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the programme will set out the phasing for the implementation of development.

- 23 Development shall only be occupied when the road(s), footways, and casual parking areas serving those parts of the development built and ready for occupation have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with T SP1 and T DM1 of the Arun Local Plan.

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

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 25 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 promote and encourage sustainable transport to and from the proposed development in accordance with policy T DM1 of the Arun Local Plan.

- 26 No part of the development shall be first occupied until provision for street lighting has been made at the junction of the access road with Sefter Road and within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to ensure appropriate lighting for the development.

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

- 27 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 Policies D DM1

and T SP1 of the Arun Local Plan.

- 28 Before development commences a scheme identifying the principles to be incorporated into detailed building design as the means of energy conservation, together with on-site energy renewable devices, shall be submitted to and agreed with the Local Planning Authority. Such scheme as is submitted shall seek as a target the provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements of the buildings granted planning permission. In determining the provision of on-site energy generation account will be taken of the impact on the viability of the development. Such scheme as is approved will be implemented in accordance with the scheme.

Reason: In accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this be a pre-commencement condition as sustainability goes to the heart of the approval.

- 29 Prior to the commencement of development, a strategy for the provision or facilitation 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 seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a 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 ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

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

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

- 31 The finished floor levels of the development shall be set no lower than 5.1m above Ordnance Datum (AOD) as specified in the Flood Risk Assessment (FRA) 12-018 B dated December 2016.

Reason: In the interests of safety and to avoid unacceptable flood risks in accordance with policy W DM2 of the Arun Local Plan.

- 32 No occupation shall commence until a scheme for protecting the proposed dwellings from noise generated by the Osborne Refrigeration Site has been submitted to and approved in writing 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 D DM1 and QE DM1 of the Arun Local Plan.

- 33 Prior to the commencement of development, an Electric Vehicle Charging Strategy will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details.

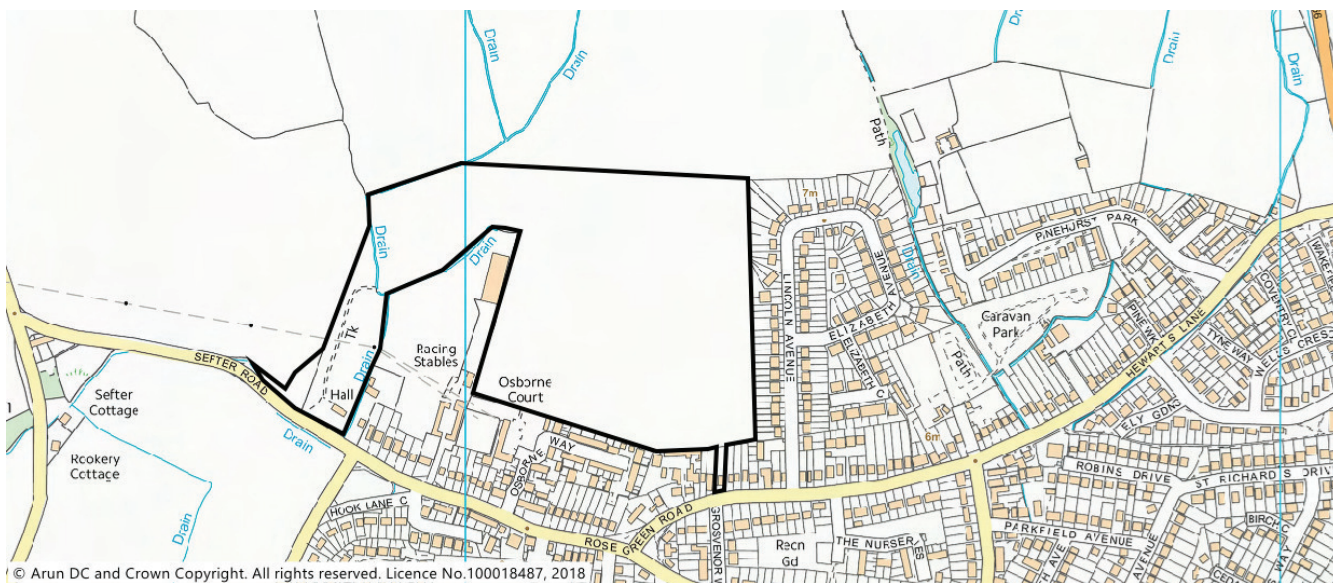
Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 34 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.

- 35 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.

- 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 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.

P/134/16/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Instruction Form for S106 Agreements/Deed of Variations/Supplemental Agreements etc
 This form should include the necessary Authority details/signature and will act as a heads of terms.

Once the S106 has been signed off/executed: This instruction will act as a Completion Statement and will be circulated to all relevant officers, along with a copy of the completed S106.

INSTRUCTION AND AUTHORITY

Planning Application Ref: P/134/16/OUT	Today's date: 19/09/2018	Date of the Decision Notice, or Date that the Decision is to be considered if in the future (insert 'not known' if no date yet): xx/xx/xx	Planning Officer: Mr D Easton
What Type of Agreement is it?: Please tick one of the following: <ul style="list-style-type: none"> • S106 Agreement, or • Pagham Harbour Agreement, or • Unilateral Undertaking, or • Deed of Variation, or • Supplemental Agreement, or • Other 			
Who is responsible for this decision?			
(see notes opposite: only complete this box and sign here if this is an OFFICER Decision) x _____ (signature of Officer with the power): Print Name: xxxxxxxxxxxx Constitution Issue 8: Part 4 Section 3 Paragraph 3.1.1.		<u>You need to tell Legal Services who is making the Decision on this S106.</u> (NB Pagham Agreements – The authority will not be known at validation stage so please note accordingly – Legal Officer to check later) <ul style="list-style-type: none"> • If this is an OFFICER Decision, sign and print your name in the box opposite , or • If this is a Development Control Decision that has already been made you will need to provide: Date of Development Control Meeting: xx/xx/xx Minute Number: xxxxxxxx, or • If this is for Development Control to make the Decision <u>in the future</u>, please provide the date of the future meeting or insert 'to be advised' if the date has not been set Date of Future Development Control Meeting: xx/xx/xx or To Be Advised 	
Full name(s) of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which should be attached as well)		Names: <ul style="list-style-type: none"> • TAYLOR WIMPEY (UK) LIMITED 	
<ul style="list-style-type: none"> • Check! Please attach a plan with the site outlined in red and complete a brief description of the development: • Check! Any land registry searches that have been provided by the Applicant/Agent should be sent with the plan and draft agreement. 			

HEADS OF TERMS

Planning Officer to set out the Heads of Terms below:

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		30% (thirty percent) of the Dwellings within the Development to be provided (subject to the terms of this Agreement) as Affordable Housing with a tenure split of: Affordable Rented Housing Units 75%; and Intermediate Housing Units 25%	ADC		N/A	
Early Years	Prior to first occupation.	£438,900	WSCC	Towards the delivery of an early years facility serving the Development as set out in the Arun Infrastructure Delivery Plan 2017.	N/A	Ten (10) years of the date of receipt of the Contribution.
Education (Secondary)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	Based upon WSCC Calculator; DfE Figure x ACP = School Infrastructure Contribution. (ACP – Additional Child Product)	WSCC	The contribution shall be spent on design and feasibility work for the provision of a new secondary school to serve the district and the implementation of access.	N/A	Ten (10) years of the date of receipt of the Contribution.
Education (Sixth Form)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that	Based upon WSCC Calculator; DfE Figure x ACP = School Infrastructure Contribution. (ACP –	WSCC	The contribution shall be spent on design and feasibility work for the provision of a new secondary school to serve the district and the implementation of access.	N/A	Ten (10) years of the date of receipt of the Contribution.

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	phase.	Additional Child Product)				
Education (Primary Education)	Prior to the Occupation of the first Market Unit within the Development.	£1,566,600	WSCC	Towards the construction of the Primary School on the Primary School Land or the construction of such other new primary school or extension to a primary school serving the Development as the County Council and the Owners shall agree.	N/A	Ten (10) years of the date of receipt of the Contribution.
Libraries	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£23,333	WSCC	Provision of Tier 7 library facility to serve Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
Fire & Rescue	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	Based upon WSCC Calculator; $Y \times (Z \times M) =$ Fire and Rescue Contribution.	WSCC	Towards the redevelopment of Bognor Regis Fire Station.	N/A	Ten (10) years of the date of receipt of the Contribution.
Police Contribution	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£40,726.21	ADC	<ul style="list-style-type: none"> • Officer start-up equipment cost • Officer start-up recruitment and training • Staff start-up equipment cost • Staff start-up and recruitment training • Premises • Fleet • ANPR 	N/A	Ten (10) years of the date of receipt of the Contribution.
Access Management Contribution at Pagham Harbour	Prior to the occupation of the first dwelling.	£871 per dwelling (total contribution of £243,880 for 280 dwellings)	ADC	Towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.	N/A	Ten (10) years of the date of receipt of the Contribution.

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Leisure (Pools)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£135,352	ADC	Expansion and reconfiguration of the wet side changing rooms at Arun Leisure Centre.	N/A	Ten (10) years of the date of receipt of the Contribution.
Leisure (Sports halls)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£125,700	ADC	Expansion and reconfiguration of the ground floor dry side main public changing rooms, to increase capacity and overall customer experience at Arun Leisure Centre.	N/A	Ten (10) years of the date of receipt of the Contribution.
Leisure (3G Pitch)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£18,497	ADC	Financial contribution towards the provision of a 3G playing pitch facility in the western analysis area, within the catchment of Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
NHS	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£306,375	ADC	Contribution towards the infrastructure needs of managing GP consultant health care at Grove House GP Surgery or provision of new healthcare facilities at strategic allocation SD3 west of Bersted or the expansion or relocation of the Arthur Griffith Clinic at Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC Highways Contributions	Contribution to be paid prior to the occupation of the 100 th dwelling.	£88,142.29	WSCC	<ul style="list-style-type: none"> • Towards the enhancement of the Pagham Road/Seftor Road priority junction. • Towards the enhancement of the Pagham Road/Lower Bognor Road junction. 	N/A	Ten (10) years of the date of receipt of the Contribution.

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WSSC Footpath contribution	Prior to occupation of any dwelling within the development	£28,572	WSSC	Upgrade of public rights of way 100, 106 and 104 to enable creation of an off road cycle route.	N/A	Ten (10) years of the date of receipt of the Contribution.
Playing Pitch Contribution	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£76,620	ADC	£39,795.38 towards pitch and changing room improvements at Avisford recreation ground; £11,858.52 towards pitch and changing room improvements Westmeads recreation ground; and £24,966.10 towards pitch and changing room improvements at Hawthorn Road recreation ground	N/A	Ten (10) years of the date of receipt of the Contribution.

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSSC, Other)	Department/Officer to Confirm Compliance
Rose Green Road Priority Junction improvement scheme – Drw No. 12- 018-036 Rev A.	Prior to the occupation of the 100th dwelling.	Works	ADC/WSSC
Provision of pedestrian, cycle and emergency access to Rose Green Road.		WORKS	ADC/WSSC
Whyke Hill Junction Contribution Agreement - means a Highways Agreement under section 38 and/or section 278 of the Highways Act 1980 or such other enabling powers as may be appropriate having regard to the item of highways works in question between the Owners and/or the Developer and Highways England which secures the payment of the Whyke Hill Junction Contribution to Highways England	Prior to commencement	Highways England	ADC

COMPLETION REPORT

To be completed by Legal Services when the Agreement has been registered and finalised, then circulated to interested parties:

Legal Ref: «**oppo_customerref**»

Seal Register Number:	Date of Agreement (or <u>original deed/agreement</u> if this is a variation/supplemental):
Statement completed by: (Legal Officer)	

Please distribute completed statement to: The Planning Officer, Sue Dudley (Deed Store), Ros Bentley (S106 Monitoring Officer), Nicola Spencer (Planning) and landcharges@arun.gov.uk

Legal Ref: «**oppo_customerref**»

PLANNING APPLICATION REPORT

REF NO:	P/140/16/OUT
LOCATION:	Land South of Summer Lane & West of Pagham Road Pagham
PROPOSAL:	Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission with all matters reserved with the exception of access for a mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments.
SITE AREA	Approximately 22.97 hectares
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 17 dwellings per hectare (based on whole site).
TOPOGRAPHY	Predominantly flat.
TREES	The application proposes the felling of a number of trees on site. By virtue of the sites agricultural use trees are largely restricted to the boundaries of the site. The proposed works to the trees have been considered by the Council's Tree Officer and consultation responses are summarised below. The impact of the proposed development on trees is also considered further in the conclusion to this report.
BOUNDARY TREATMENT	The eastern boundary of the site adjacent to Pagham Road features mature hedgerow and tree planting measuring between 2m and 5m in height. The western, southern and northern boundaries of the site features low planting of between 0.5m and 1.5m in height.
SITE CHARACTERISTICS	The existing land use is a greenfield site in agricultural use, adjacent to the built up area boundary of Pagham. The

application site is situated to the west of Pagham Road. Further agricultural land is situated to the west of the application site, with the Pagham Harbour situated approximately 614m to the south-west.

Summer Lane is situated to the north of the application site and is identified as a Public Right of Way (PROW), a PROW also crosses the site from east to west which leads towards the Pagham Harbour. Adjoining the western boundary of the application site is Church Barton House which is currently the subject of a planning application for the erection of up to 65 dwellings under planning reference P/25/17/OUT.

The vast majority of the site is identified by the Environment Agency as falling within Flood Zone 1. However, an area of the site measuring approximately 0.82 hectares is identified as Flood Zone 3 and an even smaller portion of the site (measuring approximately 0.44hectares) is identified as falling within Flood Zone 2. Various drainage ditches are present which cross the site and run along the boundaries.

A portion of the site measuring approximately 548.1m² is identified as falling within 500m of the Pagham Harbour SSSI with the remainder of the site falling within the 5km zone from Pagham Harbour. Pagham Harbour is also designated as a Special Protection Area (SPA) and Ramsar Site.

CHARACTER OF LOCALITY

The locality of the site is predominantly rural in character. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and chalet bungalows of various designs and styles which are set back from the highway. Further two storey development is situated to the north of the application site (to the west of Pagham Road).

Bus stops are situated to the east of the site along Pagham Road and the application site will surround Pagham Village Hall which is situated to the west of Pagham Road. White Rocks (21 Pagham Road) which abuts the eastern boundary of the site is a Grade II Listed Building.

A Screening Opinion was issued on 30 June 2016 confirming that the proposal would require an Environmental Impact Assessment. A Scoping Opinion was subsequently issued on 4 August 2016 setting out the scope of the Environmental Statement.

A Secretary of State (Screening Direction) was issued under reference NPCU/EIASCR/Y3805/76884 dated the 18th October 2016. This identified that the Secretary of State did not considered that a significant effect on the environment is likely in terms of changing the nature of the land use in the area. It was noted that the proposed development would result in an increase in the local permanent residential population. However, given the proximity of the proposal to the existing residential areas in Pagham, the Secretary of State did not consider that the effects would be significant. The Secretary of State acknowledged that while there may be some impact on sensitive areas the proposal would not affect the integrity of any sensitive area to the extent that a significant effect is likely.

Therefore, it was concluded by the Secretary of State that an Environmental Impact Assessment was not required.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

Pagham Parish Council

OBJECTION

1. Building a strong, competitive economy;

- The development if approved would have a major negative impact on the attractiveness of the area for tourism, during and after construction, as development will be detrimental to the semi-rural character of the village.
- Tourism makes a huge contribution to the economy of Pagham.
- The loss of a significant amount of prime agricultural land would have a major negative impact on the other main local industry - farming.
- There is limited employment available in Pagham or the surrounding area. The development proposed would create an unavoidable need to travel on a daily basis.
- Any economic benefit during development would be short lived and is not sustainable economic growth.
- The only possible long term economic benefit relates to possible employment at a new primary school.
- The proposal mentions the provision of health care facilities. But there is already a doctors surgery in Pagham which is only open part time to due lack of staff.

2. Supporting a prosperous rural economy;

- Removal of grade 1 and 2 agricultural land from production to build houses inappropriate.
- Redundant and obsolete building not investigated for the opportunities they could provide.
- Type of housing proposed is not affordable to agricultural workers who are often low paid.
- Businesses which service existing large agri-businesses should be encouraged to develop and expand in the Parish.
- Destruction of qualities which attract tourists will damage tourism opportunities and economy.

3. Promoting sustainable transport;

- Pagham Road is the single access for the community to the strategic road network.
- Drainage of the road has always been a problem.
- Dangerous as vehicles leave the road and proximity of farm works in field is a concern.
- Significant number of HGV transit journeys upon Pagham Road, together with massive tractor/trailer loads of crop waste to serve the generating system. Consent has been granted for expansion of this business.
- Cyclists - road is unsafe.
- Concern over safety of junction Lower Bognor Road and Pagham Road.

Key findings from Traffic Survey Commissioned by Pagham Parish Council:

- Although the main access road from the village is relatively uncongested where it leaves the village, at peak times the volumes are swelled by traffic coming from west Bognor and joining by junctions with Sefter Road and the Lower Bognor Road. Resulting in tailbacks, both for joining traffic and then for all traffic.
- Only some 40% of the measured peak hour traffic attempting to reach Chichester and the A27 comes

from Pagham village itself. Proposed developments would result in a disproportionate increase in peak traffic volumes.

- Westbound traffic on the B1266 approaching the junction with the B1245 was also significantly congested in peak hours with slow and queueing traffic measured.
- The consultants have concluded that the proposed development sites will have a substantial impact on the wider local road network and strategic road network.

4. Delivering a wide choice of high quality homes;

- The type and density of housing proposed in this application is completely at odds with the existing character of the area and does not reflect local needs.

5. Meeting the challenge of climate change, flooding and coastal change;

- The report fails to fully consider the potential groundwater levels. An assessment during wet winter periods needs to be undertaken.
- The report places reliance on culverts being capable of receiving surface water flows from the development but no detailed analysis has been undertaken to confirm this.
- The allowable surface water discharge should be based on the developable area and not the whole site.
- The Flood Risk Assessment (FRA) makes comments considered by us to be inaccurate and misleading.
- The existing sewage treatment works are currently unable to cope with existing flows so will not be able to receive flows from this development unless major improvement works are undertaken.
- The Parish Council is of the opinion that further work is required to substantiate the conclusions reached in the FRA and without this information the application must be rejected.

6. Conserving and enhancing the natural environment;

- Due to the sites location and proximity to the Pagham Harbour SPA/Ramsar site an Environmental Impact Assessment (EIA) should have been carried out.
- Studies commissioned by the Pagham Parish Council identify the presence of protected species.
- Development will affect foraging and nesting habitat.

Further comments 23/05/18 setting out impact on heritage assets and loss of wider landscape character and lack of protection for landscape character contrary to Policy LAN DM1.

Oving Parish Council;

Object - will add significant additional traffic onto Pagham Road which in turn will affect Marsh Lane and Vinnetrov Road so exacerbating the existing rat runs that are already a problem for these roads.

North Mundham Parish Council;

Have serious reservations about the potential effects of these developments, specifically:

- The potential for increased local traffic flow, and the absence of any detailed analysis which comprehends the impact of developments on the A27
- The effect of increased traffic flow on pedestrian safety, particularly at junctions
- Traffic pollution from both exhaust fumes and noise, particularly as it affects North Mundham school
- Drainage of surface water and the potential impact on Pagham Rife
- The absence of any realistic cycle routes to ameliorate predicted traffic densities
- The threat to the environment of Pagham Harbour.

It is clear that there is still much to do to produce a proper coherent statement of the local transport infrastructure. Until we are presented with a proposal that takes proper account of the effects on traffic and pedestrian safety in the neighbouring communities we will have no option but to sustain our

objection.

789 letters of objection. Below is a summary of the key objections raised:

Sustainability

- Not enough jobs in the area.
- If commuters move in, the cars will not contribute to a low carbon economy.
- Increase in crime rate.
- Not enough affordable housing, replace Old People's Home with affordable housing.
- The proposed infrastructure additions are not needed.
- Overload emergency services.
- Tourism will no longer happen, as there are no fields.
- Noise and population increase would disturb adjacent horse sanctuary.
- There isn't enough water in Pagham for more people.
- Sea erosion will wash away Pagham.
- There is no consideration for how the old and new communities will integrate.

Agricultural land

- Site is arable farmland.
- Current agricultural use of land makes food.
- Uncertain times mean we should not rely on food imports.
- Would result in loss of strategic gap and significant change to community identity and demographics.

Historic Environment & Archaeology

- High possibility of medieval artefacts.
- Close proximity to Conservation Area.

Design and visual amenity

- Development will adversely impact upon existing character of the locality.
- Development will adversely impact upon rural character.
- Care home is too highly populated.
- Additional light pollution.

Surface water and drainage

- The area would flood.
- The village will flood as a result of the additional run-off.
- The sewage pump system is at full capacity.

Highways

- Due to other application at Summer Lane, road is too narrow.
- Council should upgrade the minor road into Chichester to give access to A27.
- Lack of parking within the village.
- Roads are heavily trafficked and congested.
- Due to rural nature of day traffic, this could cause the road to be dangerous.
- Lorries cause subsidence and rutting on the road, which cause vehicles to leave the road.
- Road is in a poor state of repair (potholes).
- HGV lorries make using the roads difficult.
- The roads are not safe to a degree that would allow the amount of cycling shown in the Trans.State.
- The Transport study is incorrect (paragraphs 4.5 to 4.7 of Reference 5 which quote percentage distributions which total more than 100%).
- Significant impact on North Mundham.
- No access for emergency vehicles.
- Cycle parking at the front of dwellings should be encouraged.

Infrastructure

- No infrastructure to support this.
- Schools are struggling to cope with demand.
- Not enough Doctors to cover the current populations.
- No recreation ground for young people.
- Chichester crematorium has a two-week waiting list.
- Low internet speeds.
- Insufficient water pressure.

Biodiversity and Ecology

- Site is very close to Pagham Harbour Nature Reserve.
- Development will kill birds of prey.
- The land was previously used for toxic waste.
- Endangerment of hedgehogs, deer, woodpeckers, pheasant, blackcaps, long tailed tits and yellowhammers.
- The bees like the site.

Development Plan

- Site exceeds number shown in Local Plan.

Non-material

- Seems a waste of money.
- Development could turn Pagham into a "Ghetto".
- Loss of 'views'.
- Uncertain times mean we should not rely on food imports.
- Brexit will mean the immigrants leave and the accommodation becomes available.

Sussex Ornithological Society (08/08/2017) & (10/08/2018)

- Application site would cause wintering birds to be directly affected, due to the loss of the sites.
- There are Brent Geese present at the site.

RSPB

- Recreational disturbance- they believe that off-site mitigation will be required to ensure no adverse effects on the SPA/RAMSAR.
- They do not believe that the Brent Geese survey was carried out correctly.

2 No. Letters of support:

- More houses gives opportunities to younger people to own a house.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be considered in the conclusion to this report.

CONSULTATIONS

WSCC Strategic Planning

Surface Water Drainage Team

Highways England

Southern Water Planning

Environment Agency

Natural England
Historic England
Sussex Police-Community Safety
Ecology Advisor
Archaeology Advisor
NHS Coastal West Sussex CCG
Planning and Housing Strategy
Parks and Landscapes
Arboriculturist
Economic Regeneration
Environmental Health
Engineering Services Manager
Engineers (Drainage)
Engineers (Coastal Protection)
Building Control
Conservation Officer
Env. Amenities & Comm. Safety
WSCC Strategic Planning
WSCC Strategic Planning
Highways England
Environmental Health
Environmental Health
Ecology Advisor
WSCC Strategic Planning
Chichester District Council

CONSULTATION RESPONSES RECEIVED:

ECOLOGY:

Comments received 16th January 2017:

- Should permission be granted, I support the approach indicated by the illustrative masterplan of retaining the important habitats on-site.
- Mitigation will be required in accordance with the Ecology Assessment and an Ecological Mitigation and Enhancement Plan will need to be submitted prior to the commencement of works on-site. This should include:
 - The provision of protective barriers during construction, to protect retained hedges and trees;
 - A lighting plan, limiting the impact of lighting on foraging bats;
 - The provision of 20 bat boxes on site;
 - On-site provision of recreation activities, including dog walking;
 - Strengthening of the western boundary through new planting;
 - Vegetation clearance outside the bird breeding season or under the supervision of a qualified ecologist;
 - The provision of bird boxes;
 - Reptile habitat to be retained and details of reptile mitigation to be provided, including exclusion fencing and trapping and translocation;
- A contribution to the Recreation and Mitigation Project will be required.

Comments received 30th March 2017:

- Further details with regards to residential disturbance and the requirement for a contribution towards the implementation of the joint project at Pagham Harbour.

ENVIRONMENT AGENCY

Comments received 26th January 2017:

- The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures detailed within the Flood Risk Assessment (AMC/16/0708/5415) dated 27th October 2016 are implemented and secured by way of a planning condition on any planning permission;
- Finished floor levels are set no lower than 5.10m above Ordnance Datum (AOD).

WSCC FLOOD RISK MANAGEMENT

Comments received 27th January 2017:

- Modelled surface water flood risk - Low risk
- Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.
- The area is shown to be at high risk of ground water flooding based on current mapping.
- We do not have any records of historic flooding within the confines of the proposed site.
- Current Ordnance Survey mapping shows no ordinary watercourses within the site boundary although local or field boundary ditches, not shown on Ordnance Survey mapping, existing across and around the site.
- No development should take place within 5m of any ordinary watercourse.

WSCC STRATEGIC PLANNING (HIGHWAYS):

Comments received 27th January 2017:

- There are a number of additional matters that require further information. In summary these are;
- Reconsider the proposed junction arrangement and investigate the removal of the right turning lanes.
- Consider and alter the pedestrian crossings across Pagham Road to the development. This may require the widening of the refuges shown or the provision of an alternative form of crossing to serve the local centre/northern residential development.
- Revise the approach (trip generation and distribution) applied to the modelling of the local centre traffic.
- Provide development only traffic flow diagrams.
- Revisit the TEMPRO growth and amend as necessary to suit housing and employment growth within the draft Arun Local Plan and apply a suitable growth rate for junctions within Chichester District.
- Remodel the signalised junction at Rose Green Road/Gossamer Lane/Nyetimber Lane/Grosvenor Gardens to reflect the actual arrangement of this junction and provide the full LinSig modelling outputs.
- Identify what right of way or public transport infrastructure improvements may be feasible.

Comments received 26th April 2017:

- Aside from the on-going discussions regarding cumulative impacts, the majority of matters arising from the LHA's initial comments have been addressed. There are several matters though that would still need to be amended prior to the LHA providing a formal recommendation.

Comments received 27th September 2017:

The LHA has reviewed the three Cumulative Transport Assessments (CTA) submitted in support of the current planning applications in Pagham. The CTA's have been prepared in accordance with current best practice and the scope has been agreed with the LHA. Whilst the majority of the conclusions within the CTA's are broadly comparable, there are still in certain places quite notable differences as to the anticipated future operations of the junctions. The most notable of these is the Pagham Road/Sefter Road. A further review of the operation of this junction by the developers is necessary.

For those junctions where mitigation is required, the proposed works or contributions are considered acceptable in mitigating the severe residual cumulative impacts of the development.

Comments received 27th March 2018:

The submitted cumulative assessments have tested the capacity impacts of a development of up to 980 dwellings as jointly proposed at applications at Sefter Road, Hook Lane, and Summer Lane. The assessments also incorporate additional background traffic from permitted developments in the local area along with that from other potential developments including that at Church Barton Farm and West of Bersted. Viewed against the information presented and the National Planning Policy Framework, the LHA are satisfied that the combined impacts of the development would not give rise to residual severe highway impact. There are certain matters that will need to be concluded as part of the individual planning applications and associated s106 agreements.

Comments received 12th April 2018:

- The principle of vehicular access has been previously accepted. No additional comments are necessary. Several comments were issued in connection with pedestrian access to the development and the location of crossing points. The arrangements have been revised and the revised arrangement removes the potential conflict.
- The Stage One Road Safety Audit (RSA) raised the potential crossing desire line in the immediate vicinity of the northern vehicle access. The traffic island has now been altered to a refuge in accordance with the Safety Auditors recommendation.
- The only other matter raised by the Stage One RSA related to the dimensions of the amended bus stop lay-by on the north side of the carriageway. The designed has confirmed that the dimensions of the lay-by match those of the existing (drawing number 1616/01 Rev K).
- All matters in connection with the proposed vehicle and pedestrian access have now been addressed.
- Notwithstanding the cumulative impact of the four Pagham planning applications presently under consideration (these matters are dealt with by way of a separate response), based on the details and supporting information submitted for the current application, WSCC are satisfied with the arrangements as shown. On this basis, no severe impact is anticipated to arise from this proposal when viewed in isolation.
- The National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Based upon the information submitted, the LHA are satisfied that the proposed development would not result in severe highway impacts. No highway objection would be raised.
- Conditions, informatives and s106 obligations recommended.

WSCC PUBLIC RIGHT OF WAY

Comments received 8th February 2017:

WSCC Public Right of Way would like to comment on this application as there are Right of Way which will be impacted by the proposal.

- There is a longstanding aspiration to secure a route from Pagham to Chichester via Sidlesham. This route would use existing public rights of way nos. 100, 104 and 106. The legal status of these routes would need to be changed to bridleway to allow cycling and surfacing on parts of the route would also need to be improved along with minor modification of the existing bridleway bridge over the Pagham Rife. This would greatly benefit the local community and new residents for both leisure and commuting.
- The developer proposes to safeguard an element of the proposed cycleway/bridleway link that fall within the land under their control. It appears that completion of the link would require works that appear to lay outside the control of the applicant, it would still be desirable for the developer to secure upgrading the whole route. In the event that they cannot obtain the necessary landowner consents to undertake the works; a contribution should be made to WSCC to allow them to pursue the delivery of this route.
- Public Footpath 101 runs between both areas of development and is an already well-used access route on foot from the village to Pagham Harbour. Given there will be an increase in footfall on this route a

contribution should be made to WSCC to improve the footpath surface.

- We would also like the applicant to create a circular walk going north west from FP101 past Shipverling Barn turning south round the back of the reservoir to re-join FP101. This is within their power to gift.
- The granting of planning permission does not authorise the obstruction, interference or moving of any PROW. An application to WSCC would be required for this.
- Safe and convenient public access is to be available at all times across the full width of the PROW.
- No drainage system is to be installed through the surface of the path without the prior consent of WSCC RoW team.
- Any alteration to or replacement of the existing boundary with the PROW must be done in consultation with the WSCC RoW team.

Comments received 28th February 2017:

- Concerning the additional circular route from Shipverling Barn around the reservoir to join FP101. Whilst, we acknowledge this particular area is well served by rights of way, an additional circular route will be welcomed and attractive to both existing residents and new alike. This is increasing so given the elderly demographic of the Pagham area, who may welcome shorter circuits and it spreads the expected increase in number of walkers across the area. As the land falls within the applicants land interests, it would be within their power to gift this addition.
- In relation to point 1 of the PROW comments regarding the provision of a cycle link to Chichester and Sidlesham. As previously mentioned, this link would be of significant value for existing and future residents so as to avoid much of the locally narrow and heavily trafficked road network. The legal status of footpaths 100, 104 and 106 will need to be changed to bridleway to allow cycling. If this upgrade can be secured from the relevant landowners, the County Council would be willing to undertake all the necessary legal work at its own expense. There are improvements required to the surface and bridge as part of this upgrade, which I would look to secure in the form of a financial contribution from the applicant for the County Council to undertake these works.
- The County Council would like confirmation that future maintenance of the internal pedestrian and cycle routes within the site boundary will remain the responsibility of the applicant.
- Improvements to the surface of FP101 would be welcome as there will be an increase in footfall given this is a key link from the village and this development to both the RSP nature reserve and south to the beach. I would encourage the applicant to either improve this directly or to provide a financial contribution to the County Council to undertake this work.

SUSSEX POLICE

Comments received 30th January 2017:

- Guidance for designing out crime provided - no objection raised.

Comments received 22nd August 2017:

- I see no evidence that warrants further crime prevention advice at this stage.

SUSSEX POLICE - COMMERCIAL PLANNING MANAGER

Comments received 7th February 2017:

S106 contributions requested and incorporated in the heads of terms.

ARCHAEOLOGY ADVISOR

Comments received 30th January 2017:

I agree that the potential of the proposed development to impact on unknown remains of archaeological importance would justify an investigation of the site ahead of construction and that this process, and any subsequent measures to mitigate that impact, would be best secured following a standard archaeological condition, in this case a version of ARC1 excluding the words 'within the area indicated'.

HOUSING STRATEGY AND ENABLING MANAGER

Comments received 1st February 2017:

- At this outline stage there is no objection in principle but an Affordable Housing Statement is required in order to understand the detail of the 30% affordable housing on site.

HIGHWAYS ENGLAND

Comments received 27th January 2017:

The cumulative traffic impacts of these sites (P/134/16/OUT, P/140/16/OUT & P/6/17/OUT) on the A27 junction of Whyke and Bognor Regis have not yet been determined. We are now working closely with all three applicants consultants but have some way to go before we understand the implications and hence required mitigations at both junctions. Accordingly, we would respectfully request that your Council refrains from determining these applications until such time as we can agree with the applicants the impacts and mitigations required and thereby the required contributions for each towards delivering those mitigations.

Comments received 23rd March 2018;

A contribution is requested towards improvements at the A27 Whyke junction, with the works to be undertaken by Highways England. A contribution of £850 per dwelling is requested which totals £883,150 based on the 1,039 dwellings proposed. In terms of individual sites Highways England is looking to secure the following amounts;

- P/134/16/OUT - £212,500
- P/140/16/OUT - £340,000
- P/6/17/OUT - £255,000
- P/25/17/OUT - £75,650

Comments received 26th March 2018;

- We have received confirmation from the consultants for P/140/16/OUT and P/6/17/OUT that they are willing to accept the requested contributions.

Comments received 19th April 2018:

- Following our liaison with the applicant, we have now received confirmation that the applicant has agreed to contribute £340,000 towards the proposed mitigation improvements at the A27 Whyke Hill junction.

· Highways England is now satisfied that the development proposals can be achieved, subject to certain necessary s106 conditions, without detriment to the safe and efficient operation of the Strategic Road Network.

- Arun District Council will enter into a Section 106 Agreement with the applicant to the effect that prior to the commencement of the development hereby permitted the applicant will enter into a s278 Highways Agreement with Highways England.

ECONOMIC DEVELOPMENT

Comments received 7th February 2017:

No objection - request that the eventual developer signs the Arun Developer and Partner Charter and works the Economic Development Team to run an event to encourage local businesses to be involved in work on and supplying the development as well as producing and implementing a Work and Skills Plan.

HISTORIC ENGLAND

Comments received 8th February 2017:

- We recommend that the LPA refers to our recently published 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2015)' which defines setting as the way in which an asset is experienced.

- The Authority should judge the contribution that the land proposed for development makes to the

significance of the church and the understanding of its medieval and rural origins and look for opportunities for the new development to enhance its significance, as required by the NPPF.

- The potential harm of the development should be avoided or minimised, such as through the implementation of measures to provide effective landscape screening of the proposed development and landscaped buffer areas to maintain a sufficient setting around Pagham's historic core.
- Historic England does not object on heritage grounds provided the issues and safeguards outlined in our advice are addressed in order for the application to meet the requirements of paragraphs 17, 132 and 137 of the NPPF.

Comments received 16th August 2017:

We do not wish to offer any further comments.

SOUTHERN WATER

Comments received 9th February 2017:

- A foul rising main crosses the site. The exact position of the foul rising main must be determined on site by the application before the layout of the proposed development is finalised.
- It may be possible to divert the foul rising main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developers expense to the satisfaction of Southern Water in the relevant statutory provisions.
- An initial desktop study has identified 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."

Comments received 23rd August 2017:

The comments in our response dated 8th February 2017 remain unchanged and valid for the amended details.

ENGINEERS (DRAINAGE):

Comments received 9th February 2017:

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

ENVIRONMENTAL HEALTH:

Comments received 1st February 2017;

- Please apply ENV5 (Unsuspected Contaimation) only.

Comments received 14th March 2017;

- Eight conditions requested to be imposed.

NATURAL ENGLAND

Comments received 13th February 2017:

- Internationally and nationally designated sites - no objection
- Appropriate financial contributions should be made to the Pagham Harbour strategic access management and monitoring project.

- The level of mitigation to address these increased numbers, is currently being finalised. However, Natural England is satisfied that provided contributions are made to the new, scaled-up, level of mitigation, a likely significant effect from increased recreational disturbance can be ruled out.
- Natural England welcomes the commitment, in paragraph 6.10 of the Report to inform the HRA, to provide signage and homeowner information packs, to encourage residents to use the recreation space on site and recognise the sensitivities of Pagham Harbour.
- Dark-bellied brent geese forage within, and on land near to, Pagham Harbour SPA/Ramsar Site. Where the geese regularly forage on land outside of the SPA/Ramsar site, this land may be considered functionally linked to the SPA/Ramsar by providing supporting habitat. Its loss should, therefore, be considered in any combination assessment of impacts under the Habitats Regulations.
- The report to inform the HRA states that the application site could be used by brent geese on occasion, though surveys carried out in support of the application, and a data search for records submitted to the Sussex Biological Records Centre, did not record any use by brent geese. The report identifies that land to the west of the application site are more important for brent geese, and suggests mitigation in the form of planted screening to reduce visual disturbance which may arise from the application site.
- Natural England's view is that the size of the fields within the application site, and their location within 500m of the SPA, means that brent geese may use them when they are planted with a suitable crop. However, as surveys have not recorded any use, and given the availability of alternative foraging habitat around the SPA, we are satisfied that the loss of the application site as foraging habitat is not likely to have a significant effect on brent geese, alone, or in combination with other housing developments currently going through the planning process. Furthermore, we welcome the mitigation measure, in the form of screening, proposed to minimise disturbance to geese foraging in adjacent fields.
- The report to inform an HRA submitted with this application states that there is no direct hydrological link between the application site and Pagham Harbour and that Sustainable Urban Drainage Systems will address surface water run-off. For these reasons Natural England are satisfied that there will be no likely significant effect from hydrological impacts during construction, or from surface water run-off during operation.
- The HRA Stage 2 report: Screening for likely significant effects, regarding the emerging Arun Local Plan, identifies that developments in this location have the potential to impact the water quality of Pagham Harbour SPA/Ramsar site. Pagham WwTW serves the Pagham area, and discharges to the Pagham Rife, which feeds into the SPA/Ramsar site. The report identifies that the WwTW has sufficient capacity and that discharge rates would not be adversely affected. If there is capacity, in combination with other developments currently being considered through the planning process, then Natural England is satisfied that there will be no likely significant effect from water quality impacts.
- The wintering birds surveys carried out in 2014/15 recorded small numbers of lapwings and curlews using the application site. However, these species are not notified features of the SSSI. Therefore, the loss of the application site as foraging habitat for these species will not adversely affect the SSSI.
- For these reasons, Natural England are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, and subject to the comments above, will not damage or destroy the interest features for which the Pagham Harbour SSSI has been notified. We therefore advise your authority that the SSSI does not represent a constraint in determining this application.

Comments received 18th August 2017:

- No objection subject to mitigation
- Having reviewed the additional information in respect of foraging dark-bellied brent geese, our position as set out in our consultation response of the 13th February has not changed.

Comments received 13th February 2018:

No objection - subject to appropriate mitigation being secured.

Without appropriate mitigation the application could have a significant effect on the Pagham Harbour

Special Protection Area and Ramsar site.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured:

- Appropriate financial contributions to the strategic approach to mitigating recreational disturbance;
- Alternative foraging habitat for dark-bellied brent geese
- Measures to minimise disturbance to brent geese foraging in fields adjacent to the application site.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

WSSC EDUCATION

Comments received 20th March 2017:

- Our preference is still for a school in the southern end of Pagham but I am not aware that all the testing re flooding etc. has been completed to make this a viable location.
- The detailed S106 response should come through the usual channels.

WSSC SECTION 106 CONSULTATION RESPONSE

Comments received 23rd March 2017:

- School, Library and Fire & Rescue contributions requested.

Comments received 24th April 2018:

Revised contributions: delivery of an early years facility at cost of £646,000. Primary education provision of a 2 ha site for £1 plus contribution of £1,927,210. Secondary and sixth form contributions (formula based) to be spent on expansion at Felpham Community college. Library contribution to new Tier 7 library facility of £33,333. Fire and rescue - formula based contribution towards the redevelopment of Bognor Fire Station.

GREENSPACE

Comments received 17th May 2017:

- The Council's SPG guidelines apply to development of houses and are based broadly upon the National Playing Fields Association's "Six Acre Standard". The detailing of the open space provision to be approved by the LPA. Detail of maintenance provision to be provided and commuted sums payments required towards the maintenance of open space where these are provided on site and if taken on by the Local Authority. Section 106 monies in addition for infrastructure to be concluded. A management plan would be sought for the forward maintenance of the public open space, detailing regime and responsibility.

- Forming part of the application and not less than a reserved matter would be the requirement of the submission of a full landscape scheme which should be submitted for approval, detailing species choice, position, densities and size at time of planting.

- Details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to setting. The landscape proposals will need to improve biodiversity and enhance the landscape character of the site and its surroundings and that are subsequently considered to fully comply with Saved Policies GEN27 and GEN 28 and emerging Arun Local Plan Policies.

- A tree survey relating to any existing trees would need to be undertaken.

Comments received 4th October 2017:

We have nothing further to add at this stage beyond our consultation submission of the 17th May 2017.

COUNCIL'S TREE OFFICER

Comments received 9th February 2017:

- The accuracy of the base data submitted in support of this outline application is acceptable up to a point

but the individual trees within Groups will need to be accurately plotted and shown on all plans.

- It will not be sufficient for the applicants to rely on the Arb Impact Statement & Tree Protection Plan alone at the detail stage submission and for this stage of the application process it will have to be supported by an Arboricultural Method Statement report to describe how retained trees will be respected and fully protected during the construction works on this site.
- The levels of tree loss are in my opinion excessive and unnecessary and I am therefore recommending a Tree Preservation Order is served to better protect these trees and give us more control over their future maintenance.
- I strongly object to the proposed layout and the applicants should be encouraged to review and re-submit their proposals showing minimal tree loss to the screening trees along Pagham Road.
- If the trees to the rear of the ditch can be retained then I would be more likely to support the removal of the Sycamore trees on the roadside verge.

Comments received 23rd August 2017:

- I sustain the concerns raised in my previous comments as they are still relevant to the latest submitted layout plan.
- This has come back in with none of the previously raised items addressed and I have serious concerns about where they will be forming new access drives and footpaths along both Summer Lane and Pagham Road. I sustain a strong objection.

COUNCIL'S CONSERVATION OFFICER

Comments received 8th June 2017:

- There is no objection, as due to the flat topography, there are few long views in to, or out of the ASA and the proposed development will have little impact on its locally distinctive qualities.

LEISURE SERVICES

Comments received 6th July 2017, updated April 2018:

- Contributions requested towards pools, sports hall and 3G pitches.

CHICHESTER DISTRICT COUNCIL

Comments received 8th August 2017:

- The traffic generated by the development proposed would, without effective mitigation, result in a severe impact on the roads and junctions within Chichester District, particularly the A27/B2145 junction (Whyke Roundabout) and the A27/A259 junction (Bognor Road Roundabout) on the trunk road network, and the Runction and North Mundham/Hunston roundabouts on the WSCC road network. Mitigation should be secured through the local plan or on a bespoke basis for additional development. Chichester District Council would expect Arun District Council to adopt the same approach in partnership with WSCC and Highways England.
- CDC preference would be for a comprehensive assessment and mitigation strategy for all development allocated at both strategic and neighbourhood level within the emerging Local Plan (as modified).

NHS - CCG

Contribution towards Grove House GP surgery for infrastructure needs of managing GP consultant health care of £502,777.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Natural England have been consulted on the HRA commissioned by the Local Planning Authority and their comments are expected to be submitted on the 15th October. Therefore, these comments will be provided as a report update.

POLICY CONTEXT

Designation applicable to site:

Part outside built up area boundary

Policy H SP2a Site SD1 Pagham South

DEVELOPMENT PLAN POLICES

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary

SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD2	Conservation Areas
SPD3	Parking Standards
SPD6	Archaeology
SPD8	Areas of Special Character

POLICY COMMENTARY

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

The 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.

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.

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).

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. Therefore, policies 1, 3, 8 and 9 are considered relevant to the proposed development.

However, it must be considered that the policies contained within the draft Pagham Neighbourhood Plan

cannot be attributed any weight by virtue of the lack of progress on the plan since consultation took place in 2015 and the adoption of the Arun Local Plan (2011-2031).

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. The proposal is also located in a strategic allocation within the built-up area boundary..

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 application site falls within the parish of Pagham and the development plan for the determination of this application comprises the Arun Local Plan (2011-2031). The Pagham Neighbourhood Plan (PNP) is currently under preparation and has reached Reg. 14 stage with the consultation period running from the 2nd October 2015 to the 13th November 2015. The PNP has not been made and as such does not form part of the development plan as defined by section 38 of the Planning and Compulsory Purchase Act 2004.

Arun Local Plan (2011-2031)

The key policy considerations in the determination of this application are considered to be;

Policy H SP1 - establishes the housing requirement within the plan period (2011-2031) of at least 20,000 new homes within the Arun District. This includes SD2 Pagham north (at least 800 dwellings) and SD1 Pagham south (at least 400 dwellings).

Policy C SP1 - states that outside the built-up area boundaries (as identified on the policies map) land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is:

- a. For the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or
- b. For quiet, informal recreation; or
- c. For green infrastructure; or
- d. For the diversification of the rural economy; or
- e. For road and/or cycle schemes; or
- f. In accordance with other policies in the Plan which refer to a specific use or type of development.

Policy SD SP3 - identifies gaps between settlements which include a gap between Pagham and Selsey.

The policy states that development will only be permitted within the gaps if:

- a. It would not undermine the physical and/or visual separation of settlements;
- b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
- c. It cannot be located elsewhere;
- d. It maintains the character of the undeveloped coast;
- e. If a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.

Policy H SP2 - identifies that development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design which gives a sense of place.

It is identified that the comprehensive development of the allocation will need to meet the following key requirements;

- a. Integrate appropriately with surrounding communities through an appropriate design particularly where they adjoin by providing for public realm improvements, shared community uses, and connectivity of transport modes including walking, cycling and public transport.
- b. Ensure a clear and harmonious relationship between town and country including clearly defined boundaries, using physical features that are readily recognisable and likely to be permanent.
- c. Protects, conserves or enhances the natural environment, landscapes and biodiversity.
- d. Incorporate high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces.
- e. Extend, enhance and reinforce strategic green infrastructure and publically accessible open space.
- f. New community hubs where required to be provided, shall be well located taking account of the permeable layout to all transport modes and shall as far as possible cluster retail, commercial and community uses.
- g. Where existing village centres are within or will serve the needs of strategic development sites their improvement as sustainable centres will be required.
- h. Where community buildings are provided these shall be designed and provide for a range of uses such as healthcare, police, faith and community groups.
- i. Integration of community hubs and local centres of an appropriate form and scale into the design and layout of development proposals where identified in the specific allocations policies in H SP2 a-c.
- j. Ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport.
- k. Address the off-site capacity requirements, that related to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network.
- l. Positively respond to sustainable water management taking particular account of the coastal plain topography which may require strategic surface water solutions.
- m. Maintain and enhance any important features, characteristics and assets of the local area.
- n. Provide for the required infrastructure, which relate to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan.
- o. Enable strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District.
- p. Consider inclusion of an area of the sites for self-build and custom build.
- q. Consider the delivery of an area as a site for Gypsy and Traveller accommodation.

Policy H SP2a - identifies the strategic allocation of at least 1,200 dwellings in Pagham over the plan period. This includes allocation SD1 (Pagham South) for at least 400 dwellings and allocation SD2 (Pagham North) for the provision of at least 800 dwellings. The policy requires development proposals to

meet the following key design and infrastructure requirements;

- a. Ensure no detrimental impact to Pagham Harbour SPA.
- b. Take into account nearby heritage assets.
- c. Provide a new one-form (expandable to two-form) primary school and nursery places.
- d. Provide a care home facility.
- e. Provide a community hub which includes.
 - shops and complimentary uses.
 - community building (Tier 7 library, D1/sui generis floor space)
 - provision of land for scout hut, and
 - land for an ambulance community response post
- f. Provision of public open space to include children's play areas, landscaping, drainage, and earthworks.
- g. Contribute to the provision of an enhanced local cycle network by making on site provision and appropriate off site financial contributions
- h. Where possible, provide pedestrian and cycle routes to Bognor Regis town centre in order to enhance the sustainability of the site.

In order to establish the principle of the proposed development it will be necessary to assess the proposed development against the policy requirements of H SP1, H SP2 and H SP2a. Whilst, policies within the PNP have been identified as material considerations in accordance with paragraph 48 of the National Planning Policy Framework they cannot be attributed any weight in the determination of this application by virtue of the lack of progress and the adoption of the Arun Local Plan (2011-2031).

The application site encompasses the majority of strategic allocation SD1 (with the exception of the portion of the allocation the subject of application P/25/17/OUT) and seeks permission for up to 400 dwellings. Therefore, the proposed development in conjunction with P/25/17/OUT will exceed the 400 dwelling requirement established by H SP1 and will accord with the policy requirement.

The Southern-most portion of the site falls outside of the strategic allocation and as such this portion of the site falls outside the built-up area boundary (SD SP2) within the countryside (C SP1) as well as a strategic gap (SD SP3). The development outside of the built-up area boundary will consist of a scout hut, open space and allotments. The proposed allotments and open space would constitute informal recreation and as such would accord with policy C SP1 (b) of the Arun Local Plan (2011-2031). The proposed scout hut would conflict with policy C SP1 but would be situated immediately adjacent to the built-up area boundary and would not adversely impact upon the rural setting of the countryside (subject to appropriate design).

The proposed scout hut, open space and allotments would not undermine the physical or visual separation of the settlements of Pagham and Selsey nor would they compromise the integrity of the strategic gap. Therefore, the proposed development would not conflict with policy SD SP3 of the Arun Local Plan (2011-2031).

The proposal includes 2,000sqm of A1/A2/A3/D1/sui generis floor space and provision of land for a 1 form entry primary school (with sufficient space to allow for expansion to 2 forms of entry). This would create a community hub introducing a number of key community uses to Pagham. The proposal is designed to integrate with the existing pedestrian network with enhancement to existing public rights of way to be secured via the Section 106 agreement. Therefore, the proposed development will accord with policy H SP2 (a) and (i) as well as policy H SP2a (c) and (e) of the Arun Local Plan (2011-2031). Given that the proposal incorporates a community hub which will serve the needs of future occupiers and the wider community it is considered that policy H SP2 (g) of the Arun Local Plan is not relevant to the determination of this application.

The community hub is situated at the entrance to the northern portion of the development site with the community uses, care home and primary school situated immediately adjacent from one another. The community hub and primary school are well connected for pedestrian, cycle and vehicular access with bus stops situated within acceptable walking distances. It is considered that the location of the community hub is in compliance with policy H SP2 (f) of the Arun Local Plan.

The proposed development has been designed with a landscape buffer along the western boundary of the site with the indicative masterplan demonstrating that the development will be outward facing providing a strong boundary and separation between the urban development and rural fringe of Pagham. The proposed development will therefore accord with policy H SP2 (b) and (e) of the Arun Local Plan.

The extensive PROW network surrounding the site allows for medium range views of the site from the west as well as from the end of Church Lane situated to the south-west of the application site. Existing views are of open fields with existing residential development (to the east of Pagham Road) visible through the tree and hedgerow planting along the eastern boundary of the application site. Therefore, it is considered that subject to adequate landscape screening along the western boundary of the site the proposed development (subject to scale) would not adversely impact upon the established landscape character or visual amenity of the locality. The application was accompanied by a Heritage Impact Assessment and the impact of the proposals upon the setting of nearby heritage assets has been considered as part of this application. It has been concluded later in the report that the proposals will not result in any significant impact upon nearby heritage assets. Thus, the proposed development is deemed to accord with policies H SP2 (c), (m) and H SP2a (b) of the Arun Local Plan.

The Council's Ecological Advisor has advised that subject to appropriate conditions the proposed development would not result in an unacceptably adverse impact upon biodiversity or ecology at the site. The application site is situated approximately 470m to the north-east of the Pagham Harbour SPA/Ramsar and as such it is necessary, in accordance with the Birds and Habitats Directives, to consider the impact of the proposal upon the integrity of the SPA/Ramsar site. The Local Authority instructed Ecological Planning & Research Ltd (EPR) to undertake a Habitat Regulations Assessment on behalf of the LPA. The Appropriate Assessment has concluded that, providing that the avoidance and mitigation measures are secured and implemented, the development would result in no adverse effect upon the integrity of Pagham Harbour SPA/Ramsar. As such the development is deemed to accord with policy H SP2a (a) of the Arun Local Plan. The proposals compliance with Policy ENV DM2 is considered in detail later in the conclusion to this report.

The indicative masterplan demonstrates how high quality and well connected green space has been incorporated as part of the development. LAPs, LEAPs and open space are located throughout the site with footpaths and cycle ways running through the site and linking the green infrastructure network together. The indicative masterplan demonstrates how planting will be incorporated throughout the site and within the main streets (although detailed landscaping will be provided as part of any future reserved matters application). Additional contributions have been secured via the S106 agreement for the enhancement of footpaths 101, 104 and 106 to create an off road cycle link and provide an alternative cycle route towards Chichester (via south Mundham). Therefore, it is considered that the proposal will accord with policy H SP2 (d) and (e) as well as policy H SP2a (f) and (g) of the Arun Local Plan.

A Sustainability Appraisal was undertaken in support of the Arun Local Plan with the site being considered sustainably located. The site is located within acceptable walking distance of existing facilities and will provide a new primary school and community hub on site. Bus stops are situated along the eastern boundary of the site along Pagham Road within suitable walking distances. Therefore, the proposal accords with policy H SP2 (j) of the Arun Local Plan.

The highway infrastructure improvements, to be secured via the s106 agreement, are considered

sufficient and adequate to mitigate against the highways impacts of the proposed development in accordance with policy H SP2 (k) of the Arun Local Plan.

The Council's Drainage Engineers have been consulted in relation to the proposed drainage strategy and no objection has been raised. A total of 6 conditions have been requested and these have been included in the recommendation. This has included the requirement for winter groundwater monitoring to be undertaken prior to the commencement of development. This work will ensure that the drainage strategy takes account of site specific considerations. Therefore, subject to the inclusion of these conditions it is considered that the proposed development will accord with policy H SP2 (l) of the Arun Local Plan.

A number of financial contributions will be secured towards infrastructure provision via the S106 agreement. These contributions are detailed in the attached Heads of Terms and considered in detail later in the conclusion to this report. However, based upon the contributions to be secured it is considered that the proposals will accord with H SP2 (n) of the Arun Local Plan. The Infrastructure Delivery Plan (IDP) 2017 does not identify the requirement for any district wide infrastructure to be incorporated as part of the strategic allocations at Pagham and as such the proposals does not conflict with policy H SP2 (o) of the Arun Local Plan.

No desire has been expressed by the applicants to incorporate self-build or custom build dwellings at the site and no evidence has been submitted in support of the application detailing any considered of the incorporation of an area of Gypsy and Traveller accommodation. However, policy H SP2 only requires consideration and does not require inclusion and as such the proposal is not considered to conflict with policy H SP2 (p) and (q) of the Arun Local Plan.

As identified above, it is considered that the proposed development (with the exception of the proposed scout hut) will accord with policies C SP1, SD SP3, H SP1, H SP2 and H SP2a of the Arun Local Plan. Therefore, the principle of the proposed development is considered acceptable subject to accordance with relevant policies contained within the Arun Local Plan and the National Planning Policy Framework (NPPF).

ILLUSTRATIVE LAYOUT AND DESIGN

Policy H SP2 of the Arun Local Plan requires that Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas incorporating high quality imaginative design giving a strong sense of place and a permeable layout. It also requires strategic allocations to (amongst other matters) integrate with the surrounding communities, provide well connected green spaces, provide improvements to existing village centres, infrastructure and the delivery of infrastructure.

It should be highlighted that this outline application only relates to access with layout, scale, appearance and landscaping being reserved matters. Therefore, the layout plan submitted in support of the application is only indicative but does show that the site can accommodate the scale of development proposed whilst providing adequate open space provision and respecting the site's location on the edge of the settlement.

The application was considered by the Design Review Panel on the 18th April 2017. The Panel supported the concept of 'green fingers' and considered that these could be strengthened through linking them with the wider landscape more coherently. Comments were made in relation to the impact of retaining the hedgerow on Pagham Lane on the layout of the scheme and it was considered that development should line the existing street. The Panel also considered that the routes through the site needed a higher degree of connectivity and the layout simplifying to make it more legible. The Panel comments are considered below.

The application is supported by a Design and Access Statement which clearly demonstrates how the indicative layout was arrived at and adequately demonstrates that the proposed development can be efficiently accommodated on site. The Design and Access statement has identified the opportunities and constraints present at the site and responded to these with the design of the development.

The indicative layout shows the application site subdivided into two separate parcels to the north and south of the site with the school, commercial centre and playing fields situated centrally. It has been demonstrated that the indicative layout will achieve acceptable walkable access to community, recreational and shopping facilities both within the proposed development and outside of the site boundaries in accordance with H SP2 (f), (i) & (j) of the Arun Local Plan.

The Design and Access statement identifies four separate character areas at the site and these have been identified as 'Summer Lane; Local Centre; Western Edge; and Pagham Road'. Key characteristics have been identified for each of the character areas with the indicative layout establishing how these principles could look on site. Indicative Sections have also been provided for each of the character areas demonstrating how public and private spaces will interact in each of the character areas.

Whilst, it is considered that the Design and Access statement provides sufficient detail as to how each of the areas could differ in design and appearance. A condition has been incorporated with the approval requiring the submission and approval by the LPA of a 'Design Code Masterplan' prior to the submission of any reserved matters application. It is expected that this document will reflect the principles established within the Design and Access statement submitted in support of this application in accordance with the comprehensive masterplanning requirements of policy H SP2.

A landscape buffer has been provided along the western boundary of the site and the development has been designed to be outward facing. This approach will ensure that the development respects its edge of settlement location and maintains a suitable and strong boundary between the built up area boundary and countryside and would accord with H SP2 (b) and (e) of the Arun Local Plan.

The site is currently used for agricultural purposes and measures approximately 22.97 hectares in area. Therefore, given the scale of development proposed there will be a significant impact upon the established character of the locality. However, the impact of the proposed development was considered in the allocation of the site within the Arun District Local Plan (2011-2031) and it is considered that the proposed development (subject to appropriate design and materials) would not have an unacceptably adverse impact upon the character of the locality.

Whilst, only indicative a 'storey parameter plan - DLA.1731/L003.10' has been submitted showing that 1-2 storey development will be situated on the fringes of the proposed development, with 1-2.5 storey development situated within the centre of the two primary residential sections. The 'local centre', which is situated centrally on the site and in close proximity to the eastern boundary, will feature development of up to 3 storeys in height. As identified earlier in the report the scale of development is a matter for consideration at reserved matters stage. However, it is encouraging that consideration has been given to means by which the development's impact upon the rural character of the locality can be minimised. This has also been considered in the submitted indicative 'Density Plan - DLA.1731/L003.07' which shows lower density development on the edges of the proposed development with higher densities present in the centre of the two 'residential blocks'. It is considered that the principles established by the storey parameter plan and density plan should be reflected in any future submission and as such a condition has been incorporated for this detail to be reflected in the design code masterplan.

The proposed development will have an overall density of at least 30 dwellings per hectare (dph) which is considered to reflect the established character of the locality and the existing densities to the east of Pagham Road.

Public rights of way (PROW) cross the site and further PROW are present to the west of the application site. The layout has taken into consideration means by which the development could be tied-in to the existing PROW network.

The extensive PROW network surrounding the site allows for medium range views of the site from the west as well as from the end of Church Lane situated to the south-west of the application site. Existing views are of open fields with the existing residential development (to the east of Pagham Road) being visible through the tree and hedgerow planting along the eastern boundary of the application site. Therefore, it is considered that subject to adequate landscape screening along the western boundary of the site the proposed development (subject to scale) would not adversely impact upon the established landscape character or visual amenity of the locality.

Some concerns existed with the indicative layout as proposed due to the absence of an internal link between the northern and southern portion of the sites for vehicular traffic. It is considered that this will result in those wishing to visit the community hub or school, on the way to or from the southern portion of the site, to go out of the site onto Pagham Road before re-entering. Consideration was given to this being provided via the Church Barton site (P/25/17/OUT) to the west of the proposed development which would have avoided any impact upon the open space provision to the west of the proposed school. However, PROW 100 runs through the site and provides vehicular access to the farm land situated to the west of the application site. Any vehicular access crossing over the PROW would require the installation of gates and it has been identified by the applicants that this would not be supported by the owner of the site. Therefore, it is considered that a north-south vehicular access cannot be achieved.

With layout, scale and appearance being reserved matters there is no requirement at outline stage to undertake a detailed analysis of the indicative information provided. However, it is considered that the indicative information provided adequately demonstrates that the proposed development can be accommodated on the site and designed in a way which will ensure that the established character of the locality is respected in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development will not result in any unacceptably adverse impacts upon the residential amenity of existing nearby occupiers. Separation distances of between 47m and 57m are present between the proposed development and existing residential development to the east of Pagham Road. Outline approval for residential development was granted for land to the north of Summer Lane and minimum separation distances of 32m are present along the northern boundary of the site. These separation distances in conjunction with boundary screening are considered to avoid any unacceptably adverse overbearing, overshadowing or overlooking impacts upon existing or future occupiers of the site in accordance with policy D DM1(3) of the Arun Local Plan.

The 'Noise and Air Quality Assessment' submitted in support of the application and it has been identified that the proposed Pagham developments will amount to a 1.1dB and 1.5dB increase in traffic noise levels along Pagham Road which amounts to a minor effect short term and negligible impact long term. The report identifies that the maximum noise changes from the proposed Pagham developments and committed development would be 2.1dB or less and would not cause any change in behaviour or attitude, nor would it have a significant effect on the acoustic character of the area. Therefore, it is considered that the proposed development will accord with policy QE DM1 of the Arun Local Plan.

Policy QEDM2 of the Arun Local Plan requires proposals which involve outdoor lighting to be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards. A lighting statement has not been provided in support of this application. However, a condition has been included requiring the submission of a scheme for external lighting in

accordance with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3. Therefore, it is considered that the proposal will accord with policy QE DM2 of the Arun Local Plan.

Paragraphs 112 - 116 of the NPPF refers to advanced, high quality and reliable communications infrastructure as being essential for economic growth and social well-being. Therefore, it is considered that the provision of broadband for future occupiers on site is essential and as such a condition has been incorporated within the recommendation requiring the submission of a strategy for the provision of broadband to be submitted and approved by the Local Planning Authority prior to the commencement of development.

HOUSING MIX

The submitted Design and Access Statement (DLA.1731.DAS.RPT.02.PLANNING ISSUE) dated December 2016 identifies an indicative housing mix which complies with the suggested mix of housing by size and tenure (Table 29) identified within the 'Updated Housing Needs Evidence - September 2016' (PELVP23) prepared in support of the Arun Local Plan.

Paragraph 61 of the NPPF identifies that planning policies should secure dwellings of sizes, types and tenures to meet the needs of different groups within the community. This includes but is not limited to, families with children, older people, students, people with disabilities, service families and travellers.

Policy H DM1 identifies a requirement to secure housing that would meet the needs of older people. The 'Updated Housing Needs Evidence - September 2016' (PELVP23) paragraph 5.17 states that there is a requirement to secure both specialist housing for older people as well as residential and nursing home bedspaces (falling within use class C2). The application has incorporated a 70 bed care home and has identified that the Pagham Road Character Area will incorporate 10-15% bungalows if viable. As such it is considered that the development has made adequate provision for older people on site to help in meeting the increasing demand.

Therefore, the proposed development is deemed to accord with policies H DM1 and AH SP2 of the Arun Local Plan.

HIGHWAYS

Access Arrangements:

The application proposes two accesses onto Pagham Road to the east of the application site. The northernmost access will serve the community hub and the northern portion of the development. This access has been designed to accommodate the HGV manoeuvres associated with a convenience store. The access road will have a width of 7.3m and two 2m wide footways. The measured highway speeds of 33mph were identified and visibility splays of 2.4m x 49m can be achieved. It has been identified within the transport assessment that visibility splays in excess of this could be achieved if necessary.

The secondary access will provide vehicular access to the southern portion of the development, allotments and scout hut/open space. The southernmost access has been designed with a width of 6.1m and two 2m wide footways. Again visibility splays of 2.4m x 49m can be achieved, but visibility splays in excess of this could be achieved if necessary.

It has been confirmed by WSCC that the two proposed junctions will operate well within capacity with very little queuing or delays on the major or minor arms.

The consultation response dated the 12th April 2018 confirmed that the principle of the access arrangements for the site is acceptable. A Stage 1 Road Safety Audit (RSA) has been undertaken and the issues identified within this have been addressed. Therefore, on the basis of the details and

supporting information submitted, the LHA are satisfied that the proposed development would not result in severe highway impacts and no highway objection has been raised.

The proposed development will be integrated with the existing public right of way network with contributions towards the upgrade of the existing footpaths to the west of the application site (footpaths 101, 104 and 106). This will enable upgrade works to the existing footpaths (to create bridleways) providing a cycle route from Pagham to Chichester via Sidlesham, this route will use existing rights of way and lightly trafficked roads or off-road tracks. Therefore, the proposed development by virtue of this contribution is deemed to accord with policies H SP2a (g) and T SP1(b) and Paragraph 98 of the National Planning Policy Framework.

The Travel Plan (TP/01/A) is considered acceptable albeit this document is only a framework document rather than a full travel plan. As such, a condition has been incorporated as part of this recommendation securing the submission of a full travel plan for approval by the LPA in conjunction with WSCC.

The application site is deemed to be located within acceptable walking distances of nearby services and facilities as well as suitably located to provide access to public transportation and as such is compliant with policy T SP1 (a).

Policy T SP1 requires that appropriate levels of parking are provided in line with WSCC guidance, including considering the impact on street parking (T SP1). The application is currently for outline permission with all matters reserved save for access. Therefore, parking provision and arrangement will be considered in detail at reserved matters stage. The applicant should consider the WSCC Parking Demand Calculator when undertaking detailed design for the site to ensure that adequate parking provision is secured as part of the detailed design. It is also a requirement for cycle storage to be provided on site and any garages to be provided on site will be expected to have a minimum internal dimension of 3.0m x 6.0m and internal cycle racks or fixing should be provided in garages and properties without garages should be provided with cycle sheds in rear gardens.

Strategic Highways Network:

Highways England has been consulted in relation to the proposed development and a holding objection had been placed upon the development until such time as an appropriate contribution was made to the enhancement of the Whyke Roundabout on the A27 which is located to the north-west of Pagham where the B2145 crosses the A27.

The financial contributions required for these enhancements have been identified by Highways England but will not be secured as a financial contribution via the S106 Agreement. Instead a non-financial obligation requiring the developer to enter into a section 278 agreement with Highways England has been secured as part of the s106 agreement.

Cumulative Impacts:

A Cumulative Transport Assessment (CTA) has been prepared in support of this application and it has been prepared collaboratively with those (CTA's) submitted in support of planning applications P/134/16/OUT, P/140/16/OUT and P/6/17/OUT. The scope of the CTA has been the subject of discussion and agreement with the Local Highway Authority (LHA).

The CTA has considered the impact of the proposed development in conjunction with other developments in Pagham on a number of junctions in and around the application sites.

It has been identified by the LHA that a large number of 3rd party objections submitted to the Local Planning Authority (LPA) regarding delays on the B2166 (Pagham Road) arising from slow moving traffic associated with other uses. Whilst, these comments are acknowledged given that these are existing

issues on the highways network, it is not the responsibility of the applicants of the current application to resolve.

The three CTA's submitted in support of P/134/16/OUT, P/140/16/OUT and P/6/17/OUT have been considered by the LHA and have been identified as being in accordance with current best practice. The majority of the conclusions within the CTA's are broadly comparable; there were notable difference in the anticipated future operation of the junctions. Most notable of which was Pagham Road/Sefter Road and a further review of the operation of this junction was identified as necessary.

For those junctions where mitigation is required, the proposed works or contributions are considered acceptable in mitigating the severe residual cumulative impacts of the development.

A further technical note has been submitted that reviews the operation of the Pagham Road/Sefter Road junction and this has been considered further by WSCC. The consultation response (from WSCC) dated the 27th March 2018 considered the revised modelling for the Pagham Road/Sefter Road junction which provided a single model of the junction, with the geometry and traffic flows within this having been agreed by three applicants (P/134/16/OUT, P/140/16/OUT and P/6/17/OUT).

It was confirmed that the modelled results show that the Sefter Road arm of the junction will start to operate at theoretical capacity in the future without taking into account the proposed development. However, it was identified by WSCC that whilst the development would take the junction over capacity, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Therefore, whilst it was acknowledged by WSCC that drivers will be subjected to additional delays this alone is not considered to constitute a severe impact.

Dougal Baillie Associates - Sensitivity Assessment:

The Local Planning Authority, in order to ensure that the mitigation measures proposed are adequately robust and mitigate the impact of the proposed development upon the highways network, commissioned an independent 'Sensitivity Assessment' undertaken by Dougal Baillie Associates (DBA).

The sensitivity assessment undertaken by DBA confirmed that the proposed mitigation works to the A27 Whyke Hill junction would address the impact of the Pagham developments provided that the works are implemented at the appropriate time. Therefore, the sensitivity analysis was focused upon the following key junctions;

1. B2145/B2166 roundabout;
2. B2166/Vinnetrow Road/Mill Lane roundabout;
3. Pagham Road/B2166 Lower Bognor Road priority junction;
4. Pagham Road/Sefter Road priority junction; and
5. Grosvenor Gardens/Rose Green Road/Nyetimber Lane/Gossamer Lane traffic signals.

The sensitivity assessment in this case has identified that;

1. The junction improvements proposed for junction 1 (above) would not entirely offset the impacts of the Pagham developments. However, relatively modest enhancement of the proposed roundabout approach widening would adequately offset the predicted impact.
2. The proposed physical improvements to junction 2 (above) would be sufficient to offset the cumulative traffic impact of the Pagham sites.
3. The sensitivity assessment revealed that simple signalisation of this junction would not be sufficient to offset development traffic impact, and widening of the southbound approach to two traffic lanes for a distance of 50m would also be required.
4. Signalisation of the existing junction would offset development traffic impact in conjunction with a

localised speed limit.

5. The signal timings proposed in the Pagham Transport Assessments would accommodate the additional traffic generated by the proposed developments.

The sensitivity analysis commissioned by the LPA identified supplementary improvements to the following junctions and associated indicative costs;

- B2145/B2166 roundabout - £98,000
 - Pagham Road / Sefter Road - £140,000
 - Pagham Road / Lower Bognor Road - £250,000
- Total: 488,000

In addition to these modified works the following junction improvements identified within the applicants transport assessments are necessary;

- Rose Green Road widening - £81,000
 - B2166/Vinnetrow Rd. widening - £23,000
- Total: £104,000

Following the publication of the DBA sensitivity analysis the developers (for P/134/16/OUT, P/140/16/OUT and P/6/17/OUT) have submitted an amended 'Common Statement of Cumulative Assessments'. Each of the developers has agreed to undertake junction improvement works on behalf of the Local Highway Authority (LHA), as follows;

- P/134/16/OUT - Rose Green Road widening
- P/140/16/OUT - B2166/Vinnetrow Rd. widening
- P/6/17/OUT - B2145/B2166 roundabout

The Common Statement of Cumulative Assessment under table 7.3 identified cumulative contributions for each of the developments taking into account the associated costs of the junction improvements identified within the sensitivity analysis. Therefore, the developments will generate a combined highways contribution of £390,000 and a £100,000 contribution towards improvements of footpaths 101, 104 and 106 to provide a route from Pagham to Chichester via Sidlesham. As such, each developer will make the following adjusted contributions;

- P/134/16/OUT - Land North of Sefter Road - £88,142.29 & Footpath Contribution of £28,572.00
- P/140/16/OUT - Pagham South - £143,632.98 & Footpath Contribution of £40,816.00
- P/6/17/OUT - Land north of Hook Lane - £158,224.73 & Footpath Contribution of £30,612.00

The proposed junction improvements go beyond those originally identified and proposed by the applicants and are intended to achieve no net detriment as a result of the additional development traffic. The Community Infrastructure Levy Regulations 2010 set out that a planning obligation must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, it is acknowledged that existing issues are present on the highways network around Pagham but it is not the responsibility of the applicant for this application to resolve these existing issues.

The highway infrastructure improvements, to be secured via the s106 agreement, are considered sufficient and adequate to mitigate against the highways impacts of the proposed development (achieving no net detriment) in accordance with policies T SP1 and H SP2 (k) of the Arun Local Plan.

The financial contributions secured from P/134/16/OUT, P/140/16/OUT and P/6/17/OUT address the

highways impacts of the Pagham strategic allocations under policy H SP2a. However, planning application P/25/17/OUT (Church Barton) has not contributed towards the cumulative mitigation strategy although in theory it should. Therefore, as an alternative a financial contribution towards sustainable transport measures has been identified - it is intended for this financial contribution to finance the implementation an off-road cycle route linking Sefter Road and the strategic allocation West of Bersted. The financial contribution is proportional to the scale of development and is deemed to meet the policy requirements of H SP2a (h) of the Arun Local Plan.

EDUCATION

Policy INF SP1 of the Arun Local Plan states that the Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan).

In terms of education provision within the Infrastructure Delivery Plan (IDP) dated February 2017 it is identified that Pagham north and south should make provision of land and contributions towards a new 1FE primary school (expandable to 2FE) to serve Pagham; contributions towards the 10FE Secondary School located centrally within the District; and contributions towards 50 new nursery places to serve Pagham.

The IDP identifies a total cost of £6million for the construction cost of the new primary school and appropriate contributions have been secured from each of the allocated sites in Pagham towards the delivery of the new primary school. West Sussex County Council (WSCC) in their Section 106 contributions response dated the 24th April 2018 identified a financial contribution of £1,927,210 and the provision of a 2 hectare site to enable the creation of the new primary school as part of P/140/16/OUT. The preferred primary school site is suitably located within Pagham and will be accessible by future occupiers of the strategic allocations as well as existing Pagham residents. The financial contribution and school site will be secured via the s106 agreement.

The IDP identifies a total contribution of £1,896,000, from the 1,200 unit Pagham strategic allocation, towards the creation of 50 new nursery places. Therefore, WSCC have requested a financial contribution of £646,000 from this development, in accordance with the IDP 2017, which will be secured via the s106 agreement. This financial contribution will be directed towards early years provision to be provided in conjunction with the new primary school.

The IDP 2017 identifies a financial contribution from the 1,200 unit strategic allocations at Pagham north and south of £5.27 million towards the 10FE Secondary school to serve the district (6FE expandable to 10FE). However, WSCC in their consultation response have requested a calculator based contribution towards expansion of Felpham Community College. When the secondary and sixth form contribution was discussed by the Pagham Advisory Group, it was questioned as to why the contribution was being directed to Felpham Community College rather than the Regis School. This was raised with WSCC education who advised that with the expansion of Felpham Community College additional capacity would (eventually) be created at the Regis School. However, it was advised that consideration would be given to directing the contribution to the Regis School for extension.

The proposed contribution does not provide towards the necessary infrastructure identified within the IDP 2017 as required by policy INF SP1. However, it is considered by the LPA that the proposed contribution should be allocated towards the proposed new secondary school identified under policy INF SP2 of the Arun Local Plan. The contribution will be prescribed for the associated feasibility and design work as well as the provision of access to serve the new school. Therefore the proposed contribution would provide towards the necessary infrastructure identified within the IDP 2017 as required by policy INF SP1.

Therefore, it is considered that the proposed development (in terms of education provision and

contributions) will accord with policies H SP2(n), H SP2a and INF SP1 of the Arun Local Plan.

HEALTH CARE PROVISION

Policy H SP2a (e) (iv) requires the strategic allocations at Pagham (SD1) to provide contributions towards new healthcare facilities at West of Bersted (SD3) or alternatively where appropriate proposals may make contributions towards new facilities or improvement or expansion of the relevant existing facility, subject to agreement with the Council.

The Consultation response from the Coastal West Sussex Clinical Commissioning Group dated the 20th June 2017 has requested a financial contribution to Grove House GP Surgery for the infrastructure needs of managing GP consultant health care. This proposed project accords with the requirements of policy H SP2a (e) (iv) of the Arun Local Plan and accords with the requirements of the IDP 2017.

However, in order to ensure that the needs of future residents are best met through health care provision the Section 106 agreement has been worded to secure various potential health care solutions. This includes the provision of a new health care facility as part of the West of Bersted (SD3) strategic allocation; the expansion or improvement of Grove House GP Surgery; or the expansion or relocation of Sir Arthur Griffith clinic located in Pagham.

Therefore, it is considered that the proposal would accord with policy INF SP1 of the Arun Local Plan.

ADDITIONAL INFRASTRUCTURE CONTRIBUTIONS

Additional infrastructure contributions have been secured towards libraries, fire & rescue, police and leisure facilities. These financial contributions and the identified projects are deemed to accord with the Community Infrastructure Levy Regulation 123 and meet the demand and need generated by the proposed development in accordance with policy INF SP1 of the Arun Local Plan.

Full details of the contributions secured are provided in the heads of terms attached to this report.

AGRICULTURAL LAND

The Natural England 'Agricultural Land Classification map London and the South East (ALC007)' identifies the site being classified as Grade 2 to the east with a small portion of the site to the west classified as Grade 3 agricultural land.

The Ministry of Agriculture, Fisheries and Food 'Agricultural Land Classification - October 1988' identifies Grade 2 as 'very good quality' and Grade 3 as 'good to moderate quality'. The NPPF (paragraph 170b) requires that the Local Planning Authority takes into account the economic and other benefits of this type of land.

The application was accompanied by an Agricultural Land Classification and Soil Resources statement dated September 2016. It was identified within this statement that the loss of 21.7ha (the application site area) would equate to a reduction of 0.18% of Arun's collective Grade 2 and 3 quality agricultural land.

The application site has been allocated for residential development under policies H SP1 and H SP2a of the Arun Local Plan and has been the subject of significant assessment prior to allocation. Therefore, it is considered that this provides evidence that alternative options for the location of this strategic allocation have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites. The Arun Local Plan (2011-2031) Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land and that the majority of the strategic allocations would have a significant negative effect on the objective of avoiding the loss of 'best and most versatile' (BMV) land. The loss of BMV is one factor in the site selection and decision making process.

Policy SO DM1 of the Arun Local Plan states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the site is a strategic allocated within the Local Plan the proposal would not be the subject of assessment under policy SO DM1.

AFFORDABLE HOUSING

For all developments over 11 residential units the Council requires a minimum of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan. Policy AH SP2 of the Arun District Local Plan (2011-2031) identifies the following mix of affordable homes (unless evidence indicates otherwise):

- 1 Bed - 35-40%
- 2 Bed - 30-35%
- 3 Bed - 20-25%
- 4 Bed - 5-10%

The proposed affordable housing provision has been considered by the Housing Strategy and Enabling Manager and a tenure mix of 75% Affordable Rented Housing and 25% Intermediate Housing has been requested. The development proposes to provide 30% affordable housing which equates to 120 units on a scheme of 400 dwellings. The affordable housing provision is deemed to be acceptable and will be secured via the Section 106.

ECOLOGY AND BIODIVERSITY

The application has been accompanied by an Ecological Assessment (5633.EcoAss.vf1) which has considered the ecological interest of the application site and the importance of the habitats present in accordance with current guidance. The Ecological Assessment has identified the features of greater value in the context of the application site and these are identified as the hedgerows, ditches, tree lines and field margins.

It has been identified (within the Ecological Assessment) that whilst there will be some losses to hedgerows and trees in order to provide access such features are to be retained and enhanced wherever possible.

The proposed development has been considered by the Council's Ecological Advisor who has advised that important habitats (treelines and hedgerows) should be retained on site and there should be the provision of significant areas of species rich wildflower, grassland and nature tree and hedgerow planting. It has also been highlighted that the open space along the entire western boundary of the site should be provided in accordance with the indicative masterplan.

In addition, it was confirmed that the mitigation measures will be required in accordance with the Ecological Assessment (submitted in support of the application). It was also requested that an Ecological Mitigation and Enhancement Plan be submitted for approval by the LPA prior to the commencement of development, these measures will be secured via condition.

Therefore, the development will not give rise to any unacceptably adverse effects to ecology and biodiversity at the site. The proposed development subject to appropriate conditions (included with this recommendation) is deemed to accord with policy ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan.

The Council's Tree Officer has considered the proposed development and an objection was raised (dated 23rd August 2017) on the basis that the proposed layout would result in excessive levels of tree loss. However, the layout proposed is indicative and does not permit the felling of trees on site. Conditions have been included as part of this recommendation report restricting the felling, uprooting or

removal of trees before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority. The Council's Tree Officer has also identified a number a Tree Preservation Orders which should be created on site.

It is considered that by virtue of the conditions proposed the development will not result in any unacceptably adverse impacts to existing trees on site without first receiving authorisation from the Local Planning Authority. Therefore, the proposed development will accord with policy ENV DM4 of the Arun Local Plan.

PAGHAM HARBOUR SPA/RAMSAR

Policy H SP2a (a) (SD1 and SD2) identifies that proposals will need to ensure no detrimental impact to Pagham Harbour SPA through compliance with policy ENV DM2 and its supporting text.

Policy ENV DM2 of the Arun District Local Plan states that within Zone B (0-5km) all new residential development which is likely to have an impact on Pagham Harbour will be required to;

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
- ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between existing housing areas and new and existing green spaces in order to discourage car use.

The supporting text under Paragraphs 17.1.18 - 17.1.22 of the Arun Local Plan includes relevant background information on the Pagham Harbour SPA/Ramsar and the means by which the Local Plan policies will ensure its protection.

Paragraph 12.1.15 of the supporting text for policy H SP2a within the Arun Local Plan identifies that the Pagham South (SD1) allocation is within close proximity to Pagham Harbour, which is an important and sensitive natural site within the wider Bognor Regis area. Development from this allocation should reduce any impacts from loss of supporting habitat or recreational disturbance that may arise.

The application is supported by a number of documents including a Habitat Regulation Assessment (HRA) dated December 2016 (5633.IAA.VF1); Brent Goose Mitigation Strategy (Dec 2017 - 5633.BGMP.vf1); and 'Updated Information to enable a Habitats Regulation Assessment of the impact on the Pagham Harbour Ramsar/Special Protection Area' (5633.IHRA.revisited.vf3) dated June 2018.

The LPA had originally screened out the application by virtue of the mitigation measures proposed being integral parts of the proposal, in accordance with the approach derived from the Hart District Council v Secretary of State for Communities & Local Government . However, the decision of the ECJ in case C-323/17 it was concluded that it was not appropriate to take account of measures intended to avoid or reduce the harmful effects of the plan or project at the screening stage of the Habitats Regulation Assessment process.

Whilst, some inconsistencies exist between this judgement and previous ECJ case law, it will be necessary until such time as further clarification is provided by the ECJ, to consider the efficacy of impact avoidance and mitigation measures such as the strategic access management and monitoring (SAMM) through an Appropriate Assessment.

The Local Planning Authority (LPA) appointed Ecological Planning & Research Ltd (EPR) to undertake the Appropriate Assessment (AA) for the current planning application. The purpose of an Appropriate Assessment (AA) is to further analyse likely significant effects identified during the screening stage. The

AA evaluates the implications of the plan or project, in light of the conservation objectives of the affected International Sites and includes a test as to if the plan or project would result in significant adverse effects on site integrity.

Consideration within the AA has also been given to 'in combination effects' where other nearby plans or projects may have the potential to cause negative effects on the integrity of the International Site. These negative effects may act in combination, with those of this planning application, potentially leading to a 'likely significant effect' (LSE) becoming significant. Therefore consideration has been given to whether this application could contribute to effects generated by other plans or projects and vice versa.

The Habitats Regulations Assessment (18/32-2A) dated the 17th August 2018 prepared by EPR (on behalf of the LPA) identified in the 'Screening Conclusion' (paragraph 4.37) that the Local Plan HRA concluded that the Pagham South allocation was unlikely to have a LSE on Pagham Harbour SPA/Ramsar (and this was agreed by Natural England). It was proposed during the Arun Local Plan examination in public and agreed in the main modifications that the policy for the allocation should include suitable wording to allow for planning application specific assessment and mitigation where this assessment found mitigation necessary. The information provided by the applicant addresses this issue and identifies that although a LSE alone or in combination is unlikely, a precautionary approach means mitigations is proposed. As such, the HRA for this application was progressed to the AA stage.

Water pollution has also been considered in paragraphs 4.38 - 4.60 of the EPR Report and it was concluded that although there is a potential issue with capacity at Pagham WWTW (wastewater treatment works) identified within the Arun Local Plan HRA Screening Report, the applicant has provided information from the relevant water supplier (Southern Water) confirming that there is sufficient capacity to accommodate this site. Natural England in their consultation response of February 2017 stated that it was satisfied that there would be no LSE from water quality impacts.

A memorandum of understanding between Arun District Council and Southern Water (September 2017) and statements within the examination in public Inspector's report (July 2018) provide sufficient assurances that waste water and sewerage discharges from the 400 homes proposed (by this application) can be accommodated at Pagham WWTW. Although consideration of in combination effects is not specifically addressed, the agreed approach for addressing waste water treatment capacity for the strategic allocations at Pagham in the Arun Local Plan, is to divert flows to Lidsey and Ford WWTW, with reinforcement works (funded by developer contributions) to plants and pumping mains to be brought forward over time in line with housing delivery.

It is concluded under paragraph 4.59 that water pollution impacts arising from the proposed development will not have the potential for a LSE on the Pagham Harbour SPA/Ramsar site alone. However, there is potential for a LSE on the SPA/Ramsar in combination with other plans or projects.

Table 4.1 identifies that there is the potential for LSE on Pagham Harbour SPA/Ramsar site alone or in combination with other plans or projects in relation to the disturbance of birds, effects on supporting habitat and water pollution. As a consequence the proposal has been subject to an 'Appropriate Assessment' (Stage 2 of the HRA process).

The applicant's technical assessment work has concluded that the use of the site by Dark-bellied Brent Geese is not significant and therefore the site is not considered to be 'supporting habitat'. However, they have identified measures to secure biodiversity gains, increasing the proposed enhancement package to provide greater comfort in relation to any perceived residual impacts on Dark-bellied Brent Geese.

The measures identified by the applicant are;

- Enhancing the western boundary by screening with dense tree planting to reduce visual disturbance;

- Fencing will be included on the western and southern boundaries to prevent dogs accessing land to the south and west when run off their leads;
- Footpaths which link to the SPA/Ramsar site will not be closed but will not be promoted in signage or literature for new residents, rather new on-site open space will be promoted, especially for dog walkers; and
- Brent Goose Mitigation Plan (December 2017) - A bespoke package of mitigations/enhancement measures delivering suitable habitat for foraging Brent Geese for the long term has been developed with support from Natural England (letter dated 13th December 2017).

Natural England in their consultation response dated 13th February 2018 confirmed that, the package of measures as set out in the Brent Goose Mitigation Plan (BGMP) are sufficient to avoid a significant effect on the SPA from the loss of Dark-bellied Brent Geese foraging habitat and should be secured in perpetuity (in this case 80 years, as defined within the SAMM Project).

It is identified that Brent Geese clearly utilise the land within and adjacent to the application site at least occasionally and are likely to take advantage of the foraging resources when available.

It is concluded under paragraph 5.56 of the HRA (18/32-2A) that the proposed mitigation measures are considered to be suitable and ADC can be confident that they will avoid or mitigate an adverse effect on the integrity of the Pagham Harbour SPA/Ramsar site, alone or in-combination with other plans and projects.

In order to mitigate recreational pressure upon Pagham Harbour SPA/Ramsar in combination with other residential proposals in the area, Natural England has advised that an appropriate contribution should be made to the strategic approach to access management at Pagham Harbour. The Council require payment of the strategic access management and monitoring (SAMM) tariff and the provision of suitable greenspace within the development to meet the recreational needs of future occupiers. Both of these measures have been secured via the Section 106 agreement.

To mitigate potential water pollution impacts it is identified under paragraph 5.78 that any approval should be conditional on a condition requiring development to be phased and implemented in accordance with the delivery of any sewerage network reinforcement required. It is identified under paragraph 5.79 that a condition must be included requiring the approval of a detailed SuDS strategy, which should include elements to address both water quality and volume of run-off.

It has been concluded under paragraph 7.4 of the HRA (18/32-2A) for this application that providing the avoidance and mitigation measures identified above are successfully agreed, secured and implemented that the proposals will accord with the impact and avoidance strategy set out within Policy ENV DM2 of the Arun Local Plan and as such there would be no adverse effect on the integrity of Pagham Harbour SPA/Ramsar. Therefore the development passes the HRA screening and Appropriate Assessment tests and can proceed.

DRAINAGE AND FLOODING

The majority of the site falls within Flood Zone 1 (low risk), apart from a small area at the most southerly point of the site which is identified as flood risk Zone 3 (high risk).

The Environment Agency has been consulted and have identified that the proposed development will meet the requirements of the National Planning Policy Framework (NPPF) if the finished floor levels are set no lower than 5.1m above Ordnance Datum (AOD) as specified in the Flood Risk Assessment (FRA) Amc/16/0708/5415 dated the 27th October 2016. This will be secured via an appropriately worded condition.

The development drainage strategy submitted in support of the application identifies the use of permeable paving/permeable sub base; piped storm drains; road side swales; and attenuation/bio-retention basins at the site (subject to detailed design). The attenuation basins are shown on the indicative block plan (DLA.1731.L003.09.Rev B) and within the Drainage Strategy (Appendix E - Drawing No. 5415:CA). It is considered that the proposed attenuation basins will not result in an unacceptable impact upon the open space provision at the site, with the indicative layout providing open space which exceeds the minimum requirements by 2.29ha.

The Council's Drainage Engineers have been consulted in relation to the proposed drainage strategy and no objection has been raised. A total of 6 conditions have been requested and these have been included in the recommendation. This has included the requirement for winter groundwater monitoring to be undertaken prior to the commencement of development. This work will ensure that the drainage strategy takes account of site specific considerations.

The applicant in the submitted design and access statement identifies that Southern Water has confirmed that capacity exists for a direct connection to Pagham waste water treatment works (WWTW) for the proposed development without the need for any upgrades. It is further identified that the foul drainage water strategy will not utilise any existing public foul sewers and a new direct connection will be provided.

Southern Water in their consultation responses dated the 23rd August 2017 (in relation to the proposal) have identified that they can accommodate the needs of this application at the Pagham Waste Water Treatment Works (WWTW). It was identified within a memorandum of understanding (MOU) between Arun District Council and Southern Water (dated September 2017) in support of the Arun Local Plan and within the examination in public Inspector's report (July 2018) provide sufficient assurances that waste water and sewerage discharge proposed by this application can be accommodated at Pagham WWTW. The agreed approach for addressing waste water treatment capacity for other strategic developments in the Arun Local Plan, is to divert flows to Lidsey and Ford WWTW, with reinforcement works (funded by developer contributions) to plants and pumping mains to be brought forward over time in line with housing delivery.

Therefore, subject to the proposed conditions it is considered that the development will accord with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

BUILT HERITAGE AND LISTED BUILDINGS

Paragraphs 20(d) of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment.

Paragraph 190 of the NPPF identifies that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development which may affect the setting of a heritage asset), taking into account any available evidence and necessary expertise.

Paragraph 192 of the NPPF states that in the determination of planning applications the LPA should take account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Irrespective of whether any potential harm amounts to substantial harm.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

There are a number of listed buildings situated within close proximity to the application site. White Rock (21 Pagham Road) is situated in closest proximity and is sited on the eastern boundary of the southern portion of the site. The proposed built development will be situated approximately 50m to the north of White Rocks and by virtue of this separation distance and boundary screening proposed by the indicative layout plan, it is considered that the proposal will not result in unacceptable harm to the setting of White Rock.

Further to the south of the application site is St Thomas a Becket, a Grade I listed medieval church which was restored in 1837. The listed building sits within a verdant churchyard on Church Lane and enjoys a sense of enclosure from the boundary walls and mature trees. The church is situated on the edge of the built up area boundary and is accessed via a semi-rural lane. Further to the south and separated from the church by Church Farm Holiday Village is Becket's Barn, the remains of a former archbishop's palace designated as a scheduled monument and listed building. The church and former archbishop's palace have a clear historic relationship and reflect the medieval importance of the settlement of Pagham.

Immediately adjacent to the church is Old Cottage, an 18th Century thatched cottage which together with the church forms a picturesque grouping. Despite the more modern infill bungalows along Church Lane, it has been identified that the church and other cottages along the lane keep the old character remarkably well. This small group of listed buildings along Church Lane and Pagham Road forms the 'historic core of Pagham'. The rural character of the lane and open fields to the north assist in helping to understand and appreciate the origins of St Thomas a Becket church and the historic core of Pagham and contributes positively to their setting.

The impact of the proposed residential development has been considered by Historic England in their consultation response of the 8th February 2017, in which it was stated that;

"Historic England agrees with the heritage statement that direct views of the development from the church and churchyard are largely contained by the modern bungalows opposite."

It was also identified by Historic England that changes to the general landscape and settlement character in the vicinity of the church have the potential to affect the setting of listed buildings as a result of an increase in traffic and noise. The noise impact of the proposed development has been considered in the 'Noise and Air Quality Assessment' submitted in support of the application and it has been identified that the proposed Pagham developments will amount to a 1.1dB and 1.5dB increase in traffic noise levels along Pagham Road which amounts to a minor effect short term and negligible impact long term. The report identifies that the maximum noise changes from the proposed Pagham developments and committed development would be 2.1dB or less and would not cause any change in behaviour or attitude, nor would it have a significant effect on the acoustic character of the area.

Views of the church are restricted from Pagham Road due to the height of boundary screening along the eastern boundary of the application site, with the church spire becoming visible at the southernmost end of Pagham Road, where it meets Church Lane. The development will have a limited impact within the street scene of Church Lane by virtue of the proposed residential development being situated approximately 255m to the north of Church Lane. Which in conjunction with the hedgerows and built form to the north of Church Lane will limit the development's visibility from the Grade I listed building.

It is acknowledged that the proposed development will impact upon views of the Grade I listed building from footpath 101 to the north but it is considered that whilst, the development will have an impact upon

the setting of the Grade I listed church that this impact is not substantial or significant.

To the north-east of the application site is a cluster of listed buildings and the Barton Close area of special character (ASC).

The application has been the subject of consultation with the Council's Conservation and Design Officer who has raised no objection. It was acknowledged that the application site is situated some distance to the south-west of the ASC by the Council's Conservation Officer, that there are few long terms views into the ASC, and as such the proposed development will have little impact upon its locally distinctive qualities.

Therefore, it is considered that the proposed development will preserve the setting of listed buildings surrounding the site and as such would accord with policies HER SP1, HER DM1 and HER DM4 of the Arun Local Plan. It should also be considered that the proposed development makes a significant contribution to the Local Planning Authorities housing land supply and is an allocated site within the Arun Local Plan. Therefore, it is considered that the public benefits of the development would outweigh any harm to the setting or significance of heritage assets in accordance with paragraphs 196 and 197 of the NPPF.

ARCHAEOLOGY

The proposal has been considered by the Council's Archaeology Adviser who has stated that the potential of the proposed development to impact on unknown remains of archaeological importance justifies an investigation of the site and would be best secured via a suitably worded condition. This condition has been included as part of the recommendation and it is considered that by virtue of this the proposed development will accord with policy HER DM6 of the Arun Local Plan.

RENEWABLE ENERGY

Policy ECC SP2 of the Arun Local Plan identifies that major developments 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.

SUMMARY

The proposed development is considered to be acceptable in principle as has been established above and it has been identified within the report that the proposal will not conflict with the development plan.

The impact of the proposed development upon existing infrastructure has been mitigated through financial contribution and the provision of services and facilities. Adequate mitigation measures have also been identified which will mitigate the impact of the development upon the Pagham Harbour SPA/Ramsar site to the south-west of the application site. The developer has also agreed to provide 30% affordable housing which equates to 120 affordable units (for a 400 dwelling development).

Therefore, the proposed development is deemed to accord with the requirements of policy H SP2 and will cumulatively meet the requirements of H SP2a (SD1 & SD2) in conjunctions with planning applications P/134/16/OUT and P/6/17/OUT.

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 impacts 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) have been considered in the determination of this application.

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

SECTION 106 DETAILS

See attached Heads of Terms summary.

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) Landscaping.

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

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

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

3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - dwg no. DLA.1731.L003.03
Red Line Boundary - DLA.1731.L003.01

Proposed Northern Site Access - 1616/01 Rev L
 Proposed Southern Site Access - 1616/02 Rev K

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan (2011-2031).

- 4 No development shall take place until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of anticipated commencement and completion within each phase of construction.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 No development in any phase shall be carried out unless and until a schedule of materials and finishes to be used for that phase for external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority. No development in any phase shall be carried out unless and until a 'statement of detail' for that phase has been submitted to and approved 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 D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 6 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the objectives of the;

- Illustrative Masterplan (Dwg No. DLA.1731.L003.05 Rev F);
- Design and Access Statement (DLA.1731.DAS.RPT.02.PLANNING ISSUE);
- Density Plan (DLA.1731.L003.07 Rev B);
- Storeys Parameter Plan (DLA.1731.L003.10);
- Development Framework Plan (DLA.1731.L003.02 Rev B); and
- Internal Movement Strategy (DLA.1731.L003.12 Rev B).

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 7 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 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 ENV DM4 of the Arun Local Plan.

- 8 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of each phase or sub phase of the development hereby permitted or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the phase or sub-phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 Prior to the commencement of each phase of the development an Arboricultural Method Statement and Tree Protection Plan shall be submitted for that phase to and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 10 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, and shall include;

- The design should following the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manuel Produced by CIRIA. Winter groundwater monitoring to established 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.

- 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 watercourses on the

site. Any discharge of watercourse must be at a rate no greater than the pre-development runoff values.

- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building shall be occupied until the complete surface water drainage system serving it 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 D DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to the commencement of development.

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

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

- 12 Upon completed construction of the surface water drainage 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 surface water drainage system 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 surface water drainage 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 Policies D DM1, W DM2 and W DM3 of the Arun Local Plan.

- 13 Before the development hereby permitted is commenced, details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate) and no dwelling shall be occupied until works for the disposal of sewage have

been fully implemented in accordance with the approved details.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained in accordance with Policies D DM1, W DM1 and W SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 14 Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure adequate foul capacity is available to satisfactorily drain the development and avoid adverse impacts upon the Pagham Harbour SPA/Ramsar in accordance with policies D DM1, W DM1, W SP1, ENV DM2 and H SP2a of the Arun Local Plan.

- 15 Prior to the commencement of construction works or any preparatory works an 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 Ecological Assessment - Dec 2016 5633.EcoAss.vf1. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

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

- 16 Prior to the occupation of any dwelling of a particular phase, a scheme for external lighting shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan.

- 17 Prior to the commencement of development, including any works of demolition, a Construction Management Plan shall be submitted for approval 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,
- full details of the construction compound,
- soil resources plan,
- dust mitigation measures,
- noise reduction measures,
- 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.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 18 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

8.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

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

- 19 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the Construction Management Plan at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D DM1 of the Arun Local Plan.

- 20 Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan for the construction phase of development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

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

- 21 The vehicular and pedestrian accesses and bus stop lay by as indicatively shown on drawing no.1616/01 Rev L ("the Northern Access") including appropriate visibility splays shall be completed in accordance with the requisite Agreement under s278 of the Highways Act 1980 with the local highway authority prior to the occupation of any phase of the development served by the Northern Access. Once provided the visibility splays for said access shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above the adjoining carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to 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 as establishing an access to the site goes to the heart of the planning permission.

- 22 The vehicular and pedestrian accesses as indicatively shown on drawing no.1616/02 Rev K ("the Southern Access") including appropriate visibility splays (in line with any S278 approval) shall be completed in accordance with the requisite Agreement under s278 of the Highways Act 1980 prior to the occupation of any phase of the development served by the Southern Access. Once provided the visibility splays for said access shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above the adjoining carriageway level

or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 23 No part of the development shall be first occupied until visibility splays of 2.4 metres by 49 metres have been provided at the proposed northern and southern site vehicular accesses onto Pagham Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above the adjoining carriageway level or as otherwise agreed.

In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 24 Before development commences a scheme identifying the principles to be incorporated into detailed building design as the means of energy conservation, together with on-site energy renewable devices, shall be submitted to and agreed with the Local Planning Authority. Such scheme as is submitted shall seek as a target the provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements of the buildings granted planning permission. In determining the provision of on-site energy generation account will be taken of the impact on the viability of the development. Such scheme as is approved will be implemented in accordance with the scheme.

Reason: In accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this be a pre-commencement condition as sustainability goes to the heart of the approval.

- 25 Prior to the commencement of development, a strategy for the provision or facilitation 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 seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a 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 ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

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

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

- 27 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which

has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

- 28 Prior to commencement of development 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 with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 29 Prior to the commencement of development, an Electric Vehicle Charging Strategy will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details.

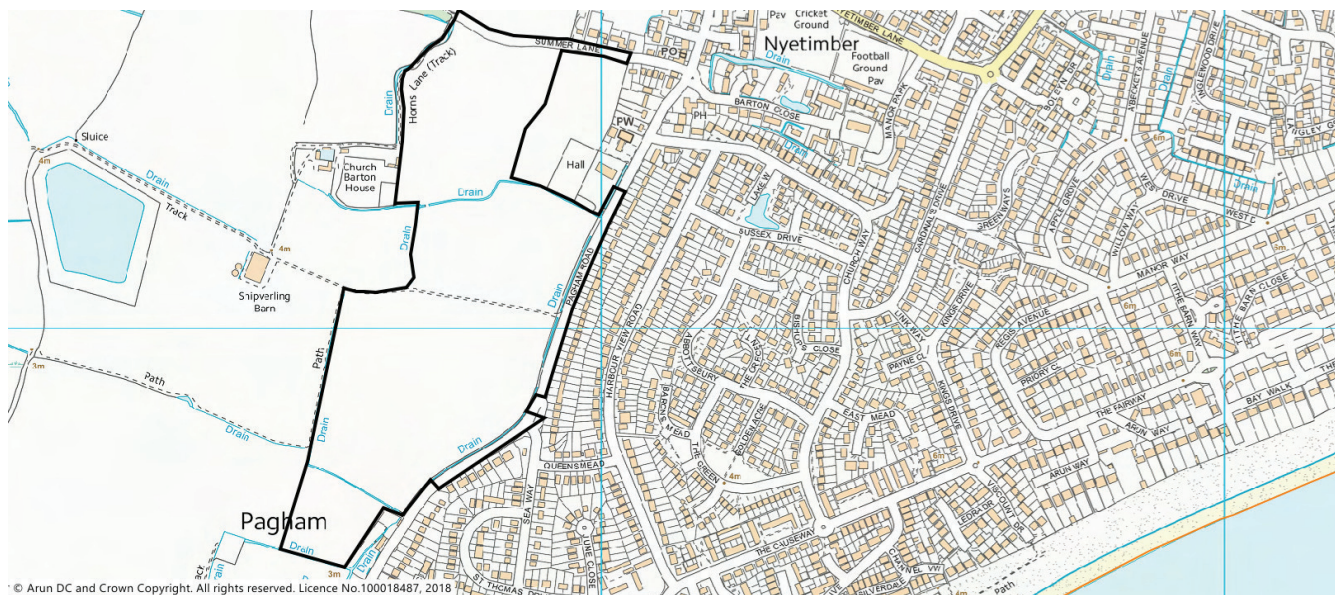
Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 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: 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.

P/140/16/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Instruction Form for S106 Agreements/Deed of Variations/Supplemental Agreements etc
 This form should include the necessary Authority details/signature and will act as a heads of terms.

Once the S106 has been signed off/executed: This instruction will act as a Completion Statement and will be circulated to all relevant officers, along with a copy of the completed S106.

INSTRUCTION AND AUTHORITY

Planning Application Ref: P/140/16/OUT	Today's date: 190/90/2018	Date of the Decision Notice, or Date that the Decision is to be considered if in the future (insert 'not known' if no date yet): xx/xx/xx	Planning Officer: Mr D Easton
What Type of Agreement is it?: Please tick one of the following: <ul style="list-style-type: none"> • S106 Agreement, or • Pagham Harbour Agreement, or • Unilateral Undertaking, or • Deed of Variation, or • Supplemental Agreement, or • Other 			
Who is responsible for this decision?			
(see notes opposite: only complete this box and sign here if this is an OFFICER Decision) x _____ (signature of Officer with the power): Print Name: xxxxxxxxxxxx Constitution Issue 8: Part 4 Section 3 Paragraph 3.1.1.		<u>You need to tell Legal Services who is making the Decision on this S106.</u> (NB Pagham Agreements – The authority will not be known at validation stage so please note accordingly – Legal Officer to check later) <ul style="list-style-type: none"> • If this is an OFFICER Decision, sign and print your name in the box opposite , or • If this is a Development Control Decision that has already been made you will need to provide: Date of Development Control Meeting: xx/xx/xx Minute Number: xxxxxxxx, or • If this is for Development Control to make the Decision <u>in the future</u>, please provide the date of the future meeting or insert 'to be advised' if the date has not been set Date of Future Development Control Meeting: xx/xx/xx or To Be Advised 	
Full name(s) of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which should be attached as well)		Names: <ul style="list-style-type: none"> • Claudia Langmead, Olivia Langmead, Melanie Jenkins and Victoria Langmead and Leslie James Langmead and Patricia Langmead [The Owners] • Hanbury (PM) Limited • X • X • x 	
<ul style="list-style-type: none"> • Check! Please attach a plan with the site outlined in red and complete a brief description of the development: • Check! Any land registry searches that have been provided by the Applicant/Agent should be sent with the plan 			

PL10

and draft agreement.

HEADS OF TERMS

Planning Officer to set out the Heads of Terms below:

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		30% (thirty percent) of the Dwellings within the Development to be provided (subject to the terms of this Agreement) as Affordable Housing with a tenure split of: Affordable Rented Housing Units 75%; and Intermediate Housing Units 25%	ADC		N/A	
Early Years	Prior to first occupation.	£646,000	WSCC	Towards the delivery of an early years facility serving the Development as set out in the Arun Infrastructure Delivery Plan 2017.		Ten (10) years of the date of receipt of the Contribution.
Education (Secondary)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	To be calculated using the following formula; DfE Figure x ACP	WSCC	The contribution shall be spent on design and feasibility work for the provision of a new secondary school to serve the district and the implementation of access.	N/A	Ten (10) years of the date of receipt of the Contribution.
Education (Sixth Form)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of	To be calculated using the following formula; DfE Figure x	WSCC	The contribution shall be spent on design and feasibility work for the provision of a new secondary school to	N/A	Ten (10) years of the date of receipt of the Contribution.

Legal Ref: «**oppo_customerref**»

	33%, 66% and 100% of the dwellings.	ACP		serve the district and the implementation of access.		
WSSC (Primary Education)	To pay the Primary Education Contribution to the County Council prior to the Occupation of the first Market Unit within the Development. Not to Occupy any Market Unit within the Development until the Primary Education Contribution has been paid.	£1,927,210	WSSC	Towards the construction of the Primary School on the Primary School Land or the construction of such other new primary school or extension to a primary school serving the Development as the County Council and the Owners shall agree.	N/A	Ten (10) years of the date of receipt of the Contribution.
Libraries	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£33,333	WSSC	Provision of Tier 7 library facility to serve Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
Fire & Rescue	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	To be calculated using the following formula; $Y \times (Z / M)$	WSSC	Towards the redevelopment of Bognor Regis Fire Station.	N/A	Ten (10) years of the date of receipt of the Contribution.
Police Contribution	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£61,361.40	ADC	<ul style="list-style-type: none"> • Officer start-up equipment cost • Officer start-up recruitment and training • Staff start-up equipment cost • Staff start-up and recruitment training • Premises • Fleet • ANPR 	N/A	Ten (10) years of the date of receipt of the Contribution.
Access Management Contribution at Pagham Harbour	Prior to the occupation of the first dwelling.	£871 per dwelling (total contribution of £348,400 for 400 dwellings)	ADC	Towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour by the	N/A	Ten (10) years of the date of receipt of the Contribution.

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				Development.		
Leisure (Pools)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£193,350	ADC	Expansion and reconfiguration of the wet side changing rooms at Arun Leisure Centre.	N/A	Ten (10) years of the date of receipt of the Contribution.
Leisure (Sports halls)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£179,571	ADC	Expansion and reconfiguration of the ground floor dry side main public changing rooms, to increase capacity and overall customer experience at Arun Leisure Centre.	N/A	Ten (10) years of the date of receipt of the Contribution
Leisure (Playing Pitches)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£26,424	ADC	Financial contribution towards the provision of a 3G playing pitch facility within the western analysis area within the catchment of Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
NHS	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£502,777	ADC	Contribution towards the infrastructure needs of managing GP consultant health care at Grove House GP Surgery or provision of new healthcare facilities at strategic allocation SD3 west of Bersted or the expansion or relocation of the Arthur Griffith Clinic at Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC Footpath contribution	Prior to occupation of any dwelling within the development.	£40,816	WSCC	Upgrade of public rights of way 100, 106 and 104 to enable creation of an off road cycle route.	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC Footpath Contribution (2)	Prior to occupation of any dwelling within the development.	£55,913.98	WSCC	Upgrading surface of Footpath 101	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC	Contribution to	£143,224.73	WSCC	• Towards the	N/A	Ten (10)

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Highways Contributions	be paid prior to the occupation of the 100 th dwelling.			enhancement of the Pagham Road/Sefter Road priority junction. • Towards the enhancement of the Pagham Road/Lower Bognor Road junction.		years of the date of receipt of the Contribution.
Playing Pitch Contribution	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£109,457	ADC	Towards pitch and changing room improvements Westmeads recreation ground.	N/A	Ten (10) years of the date of receipt of the Contribution.

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
Widening works to all arms of the B2166 junction with the B2145 – Proposed widening of the three approaches to the junction in accordance with drawing no. 1616/13/E	Prior to the occupation of the 100 th dwelling.	WORKS	WSCC/ADC
Whyke Hill Junction Contribution Agreement - means a Highways Agreement under section 38 and/or section 278 of the Highways Act 1980 or such other enabling powers as may be appropriate having regard to the item of highways works in question between the Owners and/or the Developer and Highways England which secures the payment of the Whyke Hill Junction Contribution to Highways England	Prior to the commencement of the development.	Highways England	ADC
Public Open Space Scheme – establishing the provision of public open space and (where applicable) sports pitches within or associated with the development. Including submission of a 25 year management plan for the open space, setting out the costed prescriptions for delivering appropriate public access and providing clear commitments from appropriately qualified operators to implement the prescriptions.	Prior to the commencement of development.	ADC	ADC
TO BE CONFIRMED (subject to Natural England consultation response) - Brent Geese Precautionary Measures - · Delivery of habitat enhancements for Brent Geese on land contained within a mitigation area to the west of the Application Site;	Prior to commencement of development.	Works	ADC

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<ul style="list-style-type: none"> · Management of field boundary vegetation, associated with specific adjoining fields in a wider mitigation area, to enhance sight lines for Brent Geese, making this field matrix more suited to use by them; · Cessation of scaring initiatives on mitigation land; · All proposed measures to be the subject of a detailed management plan; and · Proposed measures to be the subject of a legal agreement ensuring that the mitigation is secured in perpetuity. 			

COMPLETION REPORT

To be completed by Legal Services when the Agreement has been registered and finalised, then circulated to interested parties:

Seal Register Number:	Date of Agreement (or <u>original deed/agreement</u> if this is a variation/supplemental):
Statement completed by: (Legal Officer)	

Please distribute completed statement to: The Planning Officer, Sue Dudley (Deed Store), Ros Bentley (S106 Monitoring Officer), Nicola Spencer (Planning) and landcharges@arun.gov.uk

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