

**SPECIAL DEVELOPMENT CONTROL  
COMMITTEE**

**24 OCTOBER 2018**

**OFFICER REPORT UPDATES**

## REPORT UPDATE

**Application no:** P/6/17/OUT  
**Page no:** 6  
**Location:** Land North of Hook Lane Pagham  
**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.

### UPDATE DETAILS

Reason for Update/Changes:

#### 1. Clarification on position of WSCC in relation to the Secondary School Contribution;

The Local Education Authority in their consultation response to this application identified that the secondary contributions should be directed towards Felpham Community College for expansion. The Local Planning Authority (LPA) are instead seeking for these contributions to be directed towards the provision of the new secondary school in the centre of the District in accordance with the Infrastructure Delivery Plan 2017 (IDP).

WSCC have raised concerns with the proposed diversions of the financial contributions towards the 'new secondary school' and have stated that they were not consulted on this change.

On the 18th September the LPA requested that WSCC provide a statement which clearly sets out for each of the strategic sites an indicative figure of how much each will be contributing and whether the site will be contributing to the new secondary school or the expansion of an existing secondary school. However, to date this documentation has not been provided by WSCC.

#### 2. Provision of the primary school land;

Two potential options for inclusion in the s106 agreement are currently being considered by the LPA, either that;

- (a) The primary school land will now be available to WSCC from the grant of planning permission as opposed to the commencement of development. Therefore, the Hook Lane primary school land is no longer required as there is certainty that the Summer Lane site can be secured, or
- (b) The Hook Lane primary school site will be secured (as a potential fall back site) and relevant and proportional financial contributions will be provided by each of the developers towards the provision of the primary school in the instance that Summer Lane doesn't come forward.

In either scenario (a) or (b) above the primary school land will be secured and IDP compliant financial contributions will be secured.

### 3. Additional section incorporated in relation to the Open Space and Play Provision.

"The indicative masterplan incorporates a total open space provision of approximately 6.65ha which exceeds the Fields in Trust Standards by approximately 4.25ha. Therefore, the open space provision proposed by this development is considered sufficient and as such accords with policy OSR DM1 of the Arun Local Plan.

The design and siting of the on-site play facilities will be secured at reserved matters stage. However, the s106 agreement requires the submission of a Public Open Space Scheme which will incorporate the location and specification of any children's play areas and that these facilities shall be completed prior to the occupation of 75% of dwellings within a phase. The public Open Space Scheme will also secure details of the play provision on site and details of how 9 'play experiences' will be accommodated on site. A proportional financial contributions towards providing fencing around the existing Multi Use Games Area (MUGA) at Avisford Recreation Ground will also be secured.

In lieu of on-site playing pitch provision a financial contribution has been secured towards the enhancement of existing playing fields and changing facilities at Avisford recreation ground, Westmeads recreation ground and Hawthorn Road recreation ground. This contribution is considered to accord with policy OSR DM1 (2) (b) of the Arun Local Plan.

Financial contributions have also been secured towards leisure provision within the district with contributions towards Swimming, Sports Halls and 3G Pitches being secured. The swimming and sports halls contributions will be directed towards the Arun Leisure Centre (Felpham Way, Bognor Regis). The Arun Leisure Centre is situated within 10 minutes' drive time of the development site which accords with Sports England recommendations on travel times for leisure facilities. The 3G pitch contribution will be directed towards the provision of a new 3G pitch to serve the western half of the district (within the catchment of Pagham) specifically to provide the base layer and pitch surface. Given the contributions which have been secured it is considered that the proposed development accords with policy OSR DM1 and HWB SP1 of the Arun Local Plan."

### 4. Wording of Condition 11 amended to read;

"No dwelling shall be occupied in a housing phase identified by Condition 4 until the surface water drainage system for that phase has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity".

### 5. Wording of Condition 6 amended to read;

"Prior to the submission of any reserved matters application for the housing phases identified by Condition 4 a design code masterplan shall be submitted to..."

6. An additional consultation response from Sussex Police was received on the 13th August 2018 and was not identified within the recommendation report. This consultation response provided updated S106 contributions and these amended figures have been incorporated within the heads of terms.

7. Amendments made to the s106 heads of terms to reflect agreed triggers and financial contributions. These amendments will be highlighted in bold on the amended heads of terms summary document.

8. Additional representations received from Pagham Parish Council Summaries of these letters are provided below:

Comments received 27th September 2018;

- Allocations SD1 and SD2 will not help achieve sustainable development or deliver net gains across economic, social or environmental objectives and do not benefit from the presumption in favour of sustainable development contrary to the NPPF
- Applicants have failed to demonstrate that the presumption in favour of sustainable development applies
- The development proposed is premature
- Proposals are not in accordance with the development plan policies
- Failure to demonstrate how development can meet the requirements of policies SD SP1a, GI SP1, H SP2, ENV DM2 and H SP2a of the Local Plan
- Failure to demonstrate that the proposals would provide for the relevant infrastructure requirements specified in policies INF 1 and INF 2 and the Infrastructure Delivery Plan and have not provided a CIL compliant S106 Agreement.

Comments received 22nd October 2018;

- Reports include inaccuracies, imprecise and confusing statements regarding material information and fail to properly assess proposals against relevant development plan policies and fails to assess material considerations.
- Failure to resolve many issues relating to viability, deliverability and impact mitigation
- Lack of surety in reports over securing delivery of the development quantum or components
- Currently no lawful or enforcement means by which the contributions towards infrastructure would be collected or commitment to spending

9. Representations made by Pagham Parish Council, Aldwick Parish Council and Oving Parish Council have been reported separately in the representation section of the report. Consultation responses from Bognor Regis Town Council and North Mundham Parish Council were also received but were incorporated within the representation summary rather than being reported separately. Below is a summary of the specific comments submitted by each of the Parish Council's who were not reported individually;

**ALDWICK PARISH COUNCIL**

Comments received 08.02.2017

- Development does not promote sustainable development.
- Proposal conflicts with policy GEN7 (iii), (iv), (v), (vi) and (vii) of the Arun Local Plan 2003.
- Proposal does not meet operation needs of agriculture or forestry in conflict with policy GEN3.
- Development would exacerbate existing flooding risks.
- The LPA needs to be satisfied that adequate drainage capacity exists or that appropriate drainage can be provided as part of the development.
- Members were concerned that surface water could drain into Pagham Rife.
- The use of prime agricultural land for development was ill-conceived.

- There are insufficient employment opportunities in the area to justify the number of houses.
- The already treacherous condition of the existing road should be resolved before any development takes place.
- Development would result in the destruction of 1 or more trees protected by a tree preservation order (TPO).

#### NORTH MUNDHAM PARISH COUNCIL

Comments received 10.02.2017

We are specifically concerned that none of the applications address the effects of these proposed developments on local traffic in our parish, pedestrian safety and traffic pollution (atmospheric and noise).

- The potential for increased local traffic flow, and the absence of any detailed analysis which comprehends the impact of development 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 and surface water and 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.
- Remedial works to local road network insufficient to deal with cumulative impacts of traffic.

10. An additional 7 letters of objection have been received raising the following points:

- Adverse impact and disturbance of habitats and wildlife, including bats.
- Lose of productive farmland.
- Increase risk of sewerage discharge into Pagham Harbour, Pagham Treatment Works already at capacity.
- Pagham Road and other roads in area inadequate for additional traffic.
- Traffic levels dangerous for vehicles and cyclists.
- Essential services may be unable to cope with additional demand.
- Public transport improvements needed.
- Parking improvements required at shopping, leisure and other destinations.
- Traffic volumes unacceptable alone and in combination with other development.
- Flooding of roads would increase.
- Negative impact on local economy.
- Will there be sufficient employment.
- Unsustainable development.
- Other sites preferable e.g. Ford Airfield.
- Air pollution concerns.
- Housing mix - too many 3-5 bed houses, no bungalows.

11. The recommendation is amended and it is requested that authority be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Development Control Committee to allow for minor amendments to be made to the heads of terms.

Officers Comment:

1. The financial contribution will be in line with the request of WSCC but the project is yet to be agreed with the LPA disagreeing with the conclusions of WSCC.
2. Both options will generate appropriate financial contributions from the developer as well as secure sufficient land to provide the primary education provision in accordance with policy H SP2a of the Arun Local Plan and the IDP 2017.
3. The additional section on Open Space and Recreation confirms compliance of the proposal with relevant development plan policies.
4. The amended wording allows for the Care Home site to come forward earlier in the process without the need for the application to be delayed by the housing development should an interested party come forward sooner.
5. The amended wording allows for the Care Home site to come forward earlier in the process without the need for the application to be delayed by the housing development should an interested party come forward sooner.
6. No additional comments.
7. The amendments include;
  - Update of the financial contributions towards police infrastructure in line with the most recent consultation response.
  - Additional contribution towards the existing Neighbourhood Equipped Area of Play.
  - Additional detail concerning the Primary School Land and options (a) and (b) identified above.
  - Update to the triggers for some WSCC contributions.
8. The sustainability of the allocations was considered through the Local Plan process which included a sustainability appraisal of all of the strategic allocations. The presumption in favour of sustainable development states that for decision taking it means 'approving development proposals that accord with an up-to-date development plan without delay'. Paragraph 11d i) and ii) is not being applied in this instance because there are relevant development plan policies.

The Reports set out how the proposals accord with the up-to-date Local Plan and that there are no material considerations which indicate that a different decision should be reached.

The proposals are not considered to be premature as the Local Plan has now been adopted and therefore decisions would not undermine the plan-making process.

The Reports include specific reference to consideration of the proposals against policies H SP2, ENV DM2 and H SP2a of the Local Plan. Policy SD SP1a is listed in the policy context for each application and is a high level policy setting out the strategic approach to sustainable growth in the District. Therefore, whilst not specifically referenced within the report the proposed development accords with the relevant parts of policy SD SP1a which are deemed to be (a), (c), (e), (h), (i), (j) and (k) and have been considered in the conclusion to this report.

Policy GI SP1 is not listed in the Policy Context section for P/6/17/OUT and P/134/16/OUT but is

relevant to the determination of this application. It is listed in the Policy Context for P/140/16/OUT. Policy GI SP1 relates to green infrastructure and development, identifying that major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network.

Paragraph 7.3.6 of the Arun Local Plan identifies Green Infrastructure assets in the district as;

- Parks and gardens;
- Natural and semi-natural urban green spaces;
- Grassland, wetlands, flood plains, open and running water, wastelands, derelict open land and the coast.
- Public rights of way;
- Twittens; and
- Outdoor sports facilities.

It is considered that the conclusion to this report has considered the impact of the development upon the green infrastructure network and found it to be acceptable. Financial contributions have been secured towards off-site enhancements as well as onsite provision of open space. Therefore, the proposed development is deemed to accord with policy GI SP1 of the Arun Local Plan.

9. The representations from Parish and Town Council's have already been taken into considered in the conclusion to this report.

10. These comments are considered to have already been taken into consideration in the determination of the planning application.

11. This will allow for finalisation of triggers points and other minor amendments in the drafting of the s106 as necessary.

The changes to conditions are attached on the amended replacement recommendation sheet.

Please note that this report update only covers matters up until the 22nd October 2018 at 12pm. Any additional matters or representations submitted after this time and date will be presented to members as a verbal update.

## REPORT UPDATE

**Application no:** P/134/16/OUT

**Page no:** ~~6~~ 55

**Location:** Land North of Sefter Road & 80 Rose Green Road Pagham

**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. This application also falls within the parish of Aldwick

### UPDATE DETAILS

**Reason for Update/Changes:**

1. Clarification on position of WSCC in relation to the Secondary School Contribution;

The Local Education Authority in their consultation response to this application identified that the secondary contributions should be directed towards Felpham Community College for expansion. The Local Planning Authority (LPA) are instead seeking for these contributions to be directed towards the provision of the new secondary school in the centre of the District in accordance with the Infrastructure Delivery Plan 2017 (IDP).

WSCC have raised concerns with the proposed diversions of the financial contributions towards the 'new secondary school' and have stated that they were not consulted on this change.

On the 18th September the LPA requested that WSCC provide a statement which clearly sets out for each of the strategic sites an indicative figure of how much each will be contributing and whether the site will be contributing to the new secondary school or the expansion of an existing secondary school. However, to date this document has not been provided by WSCC.

2. Provision of the primary school land;

Two potential options for inclusion in the s106 agreement are currently being considered by the LPA, either that;

(a) The primary school land will now be available to WSCC from the grant of planning permission as opposed to the commencement of development. Therefore, the Hook Lane primary school land is no longer required as there is certainty that the Summer Lane site can be secured, or

(b) The Hook Lane primary school site will be secured (as a potential fall back site) and relevant and proportional financial contributions will be provided by each of the developers towards the provision of the primary school in the instance that Summer Lane doesn't come forward.

In either scenario (a) or (b) above the primary school land will be secured and IDP compliant financial contributions will be secured.



### 3. Additional section incorporated in relation to the Open Space and Play Provision.

The planning application incorporates 4.8ha of open space which exceeds the 2.24ha requirement identified through the Fields in Trust standard. Therefore, the open space provision at the site is considered sufficient in accordance with policy OSR DM1 of the Arun Local Plan.

The design and siting of the on-site play facilities will be secured at reserved matters stage. However, the s106 agreement requires the submission of a Public Open Space Scheme which will incorporate the location and specification of any children's play areas and that these facilities shall be completed prior to the occupation of 75% of dwellings within a phase. The public Open Space Scheme will also secure details of the play provision on site and details of how 1 no. LEAP (containing 6 'play experiences') will be accommodated on site. A proportional financial contributions towards providing fencing around the existing Multi Use Games Area (MUGA) at Avisford Recreation Ground will also be secured.

In lieu of on-site playing pitch provision a financial contribution has been secured towards the enhancement of existing playing fields and changing facilities at Avisford recreation ground, Westmeads recreation ground and Hawthorn Road recreation ground. This contribution is considered to accord with policy OSR DM1 (2) (b) of the Arun Local Plan.

Financial contributions have also been secured towards leisure provision within the district with contributions towards Swimming, Sports Halls and 3G Pitches being secured. The swimming and sports halls contributions will be directed towards the Arun Leisure Centre (Felpham Way, Bognor Regis). The Arun Leisure Centre is situated within 10 minutes' drive time of the development site which accords with Sports England recommendations on travel times for leisure facilities. The 3G pitch contribution will be directed towards the provision of a new 3G pitch to serve the western half of the district (within the catchment of Pagham) specifically to provide the base layer and pitch surface. Given the contributions which have been secured it is considered that the proposed development accords with policy OSR DM1 and HWB SP1 of the Arun Local Plan.

4. Condition 6 has been amended to require the submission of the design code masterplan alongside the first reserved matters application.

5. Amendments made to the s106 heads of terms to reflect agreed triggers and financial contributions. These amendments will be highlighted in bold on the amended heads of terms summary document.

6. Additional representations received from Pagham Parish Council. Summaries of these letters are provided below:

Comments received 27th September 2018;

- Allocations SD1 and SD2 will not help achieve sustainable development or deliver net gains across economic, social or environmental objectives and do not benefit from the presumption in favour of sustainable development contrary to the NPPF
- Applicants have failed to demonstrate that the presumption in favour of sustainable development applies

- The development proposed is premature
- Proposals are not in accordance with the development plan policies
- Failure to demonstrate how development can meet the requirements of policies SD SP1a, GI SP1, H SP2, ENV DM2 and H SP2a of the Local Plan
- Failure to demonstrate that the proposals would provide for the relevant infrastructure requirements specified in policies INF 1 and INF 2 and the Infrastructure Delivery Plan and have not provided a CIL compliant S106 Agreement.

Comments received 22nd October 2018;

- Reports include inaccuracies, imprecise and confusing statements regarding material information and fail to properly assess proposals against relevant development plan policies and fails to assess material considerations.
- Failure to resolve many issues relating to viability, deliverability and impact mitigation
- Lack of surety in reports over securing delivery of the development quantum or components
- Currently no lawful or enforcement means by which the contributions towards infrastructure would be collected or commitment to spending

7. Representations made by Pagham Parish Council, Aldwick Parish Council and Oving Parish Council have been reported separately in the representation section of the report. Consultation responses from Bognor Regis Town Council and North Mundham Parish Council were also received but were incorporated within the representation summary rather than being reported separately. Below is a summary of the specific comments submitted by each of the Parish Council's who were not reported individually;

#### NORTH MUNDHAM PARISH COUNCIL:

Comments received 10.02.2017:

We are specifically concerned that none of the applications address the effects of these proposed developments on local traffic in our parish, pedestrian safety and traffic pollution (atmospheric and noise).

- Remedial works to local road network insufficient to deal with cumulative impacts of traffic.

#### BOGNOR REGIS TOWN COUNCIL:

Comments received 09.04.2018

Objection - Development will impact significantly on the infrastructure of Bognor Regis and exacerbate problems regarding the weight of traffic.

8. An additional 10 letters of objection have been received raising the following points:

- Adverse impact and disturbance of habitats and wildlife, including bats.
- Lose of productive farmland.
- Increase risk of sewerage discharge into Pagham Harbour, Pagham Treatment Works already at capacity.
- Pagham Road and other roads in area inadequate for additional traffic.
- Traffic levels dangerous for vehicles and cyclists.
- Essential services may be unable to cope with additional demand.
- Public transport improvements needed.
- Parking improvements required at shopping, leisure and other destinations.
- Traffic volumes unacceptable alone and in combination with other development.

- Flooding of roads would increase.
- Negative impact on local economy.
- Will there be sufficient employment.
- Unsustainable development.
- Other sites preferable e.g. Ford Airfield.
- Air pollution concerns.
- Existing surface water flooding at southern end and rear of Lincoln Avenue could flood
- Responsibility for road repairs and timing of work to improve roads
- Query over provision for cyclists
- Traffic worsened since opening of Free School

9. The recommendation is amended and it is requested that authority be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Development Control Committee to allow for minor amendments to be made to the heads of terms.

Officers Comment:

1. The financial contribution will be in line with the request of WSCC but the project is yet to be agreed with the LPA disagreeing with the conclusions of WSCC.

2. Both options will generate appropriate financial contributions from the developer as well as secure sufficient land to provide the primary education provision in accordance with policy H SP2a of the Arun Local Plan and the IDP 2017.

3. The additional section on Open Space and Recreation confirms compliance of the proposal with relevant development plan policies.

4. This amendment has been made following the applicants non-agreement to the proposed pre-commencement condition in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018. Therefore, the wording of the condition has been amended.

5. The amendments include;

- Update of the financial contributions towards police infrastructure in line with the most recent consultation response.
- Additional contribution towards the existing Neighbourhood Equipped Area of Play.
- Additional detail concerning the Primary School Land and options (a) and (b) identified above.
- Update to the triggers for some WSCC contributions.

6. The sustainability of the allocations was considered through the Local Plan process which included a sustainability appraisal of all of the strategic allocations. The presumption in favour of sustainable development states that for decision taking it means 'approving development proposals that accord with an up-to-date development plan without delay'. Paragraph 11d i) and ii) is not being applied in this instance because there are relevant development plan policies.

The Reports set out how the proposals accord with the up-to-date Local Plan and that there are no material considerations which indicate that a different decision should be reached.

The proposals are not considered to be premature as the Local Plan has now been adopted and therefore decisions would not undermine the plan-making process.

The Reports include specific reference to consideration of the proposals against policies H SP2, ENV DM2 and H SP2a of the Local Plan. Policy SD SP1a is listed in the policy context for each application and is a high level policy setting out the strategic approach to sustainable growth in the District. Therefore, whilst not specifically referenced within the report the proposed development accords with the relevant parts of policy SD SP1a which are deemed to be (a), (c), (e), (h), (i), (j) and (k) and have been considered in the conclusion to this report.

Policy GI SP1 is not listed in the Policy Context section for P/6/17/OUT and P/134/16/OUT but is relevant to the determination of this application. It is listed in the Policy Context for P/140/16/OUT. Policy GI SP1 relates to green infrastructure and development, identifying that major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network.

Paragraph 7.3.6 of the Arun Local Plan identifies Green Infrastructure assets in the district as;

- Parks and gardens;
- Natural and semi-natural urban green spaces;
- Grassland, wetlands, flood plains, open and running water, wastelands, derelict open land and the coast.
- Public rights of way;
- Twittens; and
- Outdoor sports facilities.

It is considered that the conclusion to this report has considered the impact of the development upon the green infrastructure network and found it to be acceptable. Financial contributions have been secured towards off-site enhancements as well as onsite provision of open space. Therefore, the proposed development is deemed to accord with policy GI SP1 of the Arun Local Plan.

7. The representations from Parish and Town Council's have already been taken into considered in the conclusion to this report.

8. These comments are considered to have already been taken into consideration in the determination of the planning application.

9. This will allow for finalisation of triggers points and other minor amendments in the drafting of the s106 as necessary.

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Please note that this report update only covers matters up until the 22nd October 2018 at 12pm. Any additional matters or representations submitted after this time and date will be presented to members as a verbal update.

## REPORT UPDATE

**Application no:** P/140/16/OUT  
**Page no:** 103  
**Location:** Land South of Summer Lane & West of Pagham Road Pagham  
**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 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.

### UPDATE DETAILS

Reason for Update/Changes:

#### 1. Clarification on position of WSCC in relation to the Secondary School Contribution;

The Local Education Authority in their consultation response to this application identified that the secondary contributions should be directed towards Felpham Community College for expansion. The Local Planning Authority (LPA) are instead seeking for these contributions to be directed towards the provision of the new secondary school in the centre of the District in accordance with the Infrastructure Delivery Plan 2017 (IDP).

WSCC have raised concerns with the proposed diversions of the financial contributions towards the 'new secondary school' and have stated that they were not consulted on this change.

On the 18th September the LPA requested that WSCC provide a statement which clearly sets out for each of the strategic sites an indicative figure of how much each will be contributing and whether the site will be contributing to the new secondary school or an existing secondary school. However, to date this document has not been provided by WSCC.

#### 2. Provision of the primary school land;

Two potential options for inclusion in the s106 agreement are currently being considered by the LPA, either that;

- (a) The primary school land will now be available to WSCC from the grant of planning permission as opposed to the commencement of development. Therefore, the Hook Lane primary school land is no longer required as there is certainty that the Summer Lane site can be secured, or
- (b) The Hook Lane primary school site will be secured (as a potential fall back site) and relevant and proportional financial contributions will be provided by each of the developers towards the provision of the primary school in the instance that Summer Lane doesn't come forward.

In either scenario (a) or (b) above the primary school land will be secured and IDP compliant financial contributions will be secured.



### 3. Additional section incorporated in relation to the Open Space and Play Provision.

The indicative masterplan incorporates a total of approximately 5.35ha of open space provision which exceeds the Fields in Trust Standards by approximately 2.15 hectares. Therefore, the open space provision proposed by this development is considered sufficient and as such accords with policy OSR DM1 of the Arun Local Plan.

The indicative layout shows 8 Local Areas of Play (LAPs) and 2 Locally Equipped Areas of Play (LEAPs). The final location of these facilities will be a subject for consideration at Reserved Matters stage but the indicative provision is considered sufficient. The s106 agreement requires the submission of a Public Open Space Scheme which will incorporate the location and specification of any children's play areas and that these facilities shall be completed prior to the occupation of 75% of dwellings within a phase. The public Open Space Scheme will also secure details of the play provision on site and details of how 1 no. LEAP (containing 6 'play experiences') and 1 no. enhanced LEAP (containing 9 'play experiences') will be accommodated on site. A proportional financial contributions towards providing fencing around the existing Multi Use Games Area (MUGA) at Avisford Recreation Ground will also be secured.

In lieu of on-site playing pitch provision a financial contribution has been secured towards the enhancement of existing playing fields and changing facilities at Westmeads recreation ground. This contribution is considered to accord with policy OSR DM1 (2) (b) of the Arun Local Plan.

Financial contributions have also been secured towards leisure provision within the district with contributions towards Swimming, Sports Halls and 3G Pitches being secured. The swimming and sports halls contributions will be directed towards the Arun Leisure Centre (Felpham Way, Bognor Regis). The Arun Leisure Centre is situated within 10 minutes' drive time of the development site which accords with Sports England recommendations on travel times for leisure facilities. The 3G pitch contribution will be directed towards the provision of a new 3G pitch to serve the western half of the district (within the catchment of Pagham) specifically to provide the base layer and pitch surface. Given the contributions which have been secured it is considered that the proposed development accords with policy OSR DM1 and HWB SP1 of the Arun Local Plan.

### 4. An additional Condition has been included in relation to the Brent Goose Mitigation Strategy;

No development shall commence until the applicant has submitted and the local planning authority (in consultation with Natural England) has approved the detailed management and maintenance scheme for the adjacent Pagham Harbour SPA Enhancement Land (as defined and referred to within the Agreement under s106 of the Town and Country Planning Act associated with the permission) which shall provide for:

- (a) the delivery of habitat enhancements (including some areas of additional planting) for Brent Geese on said land so as to achieve no net loss of foraging habitat for Brent Geese due to the development proposals;
- (b) the management of field boundary vegetation, associated with specific adjoining fields to enhance sight lines for Brent Geese, making this field matrix more suited to use by them; and
- (c) cessation of bird scaring initiatives on said land;

said measures and scheme to substantially accord with the details set out in Chapter 4 of the Ecology Solutions Ltd "Brent Goose Mitigation Plan" December 2017 submitted in support of the application.

5. An additional consultation response from Natural England was received on the 19th October 2018 which stated;

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 the increased recreational disturbance, loss of supporting habitat, 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 to avoid an adverse effect on the integrity of the SPA/Ramsar there should be no net loss of functionally linked land. To achieve this, a greater area within the Brent good mitigation land needs to be planted with goose forage. Therefore, the detailed habitat management plan for the Brent goose mitigation area must ensure no net loss of foraging resource to enable Arun District Council to be certain that impacts on Brent geese can and will be avoided.

Therefore, the following mitigation measures should be secured:

- Financial contribution to the Pagham Harbour Strategic Access Management and Monitoring (SAMM) Strategy;
- Greenspace totalling 3.92ha within the development site, managed to provide recreational space for people and their dogs. A costed management plan should be produced, with a suitable management company identified;
- Measures to minimise disturbance to Brent geese foraging within fields adjacent to the application site;
- A detailed habitat management plan for the Brent goose mitigation area should be produced, which sets out the habitat management over the whole 18.5ha area. This plan must ensure no net loss of foraging habitat available to Brent geese. The plan should be costed and set out who will carry out the management work;
- Development should be phased to align with Southern Water's delivery of any necessary sewerage network reinforcement;
- A detailed surface water drainage strategy addressing both flood risk and water quality should be produced; including a management and maintenance plan, with a suitable management company identified.

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

6. An additional consultation response from Sussex Police was received on the 13th August 2018 and was not identified within the recommendation report. This consultation response provided updated S106 contributions and these amended figures have been incorporated within the heads of terms.

7. Amendments made to the s106 heads of terms to reflect agreed triggers and financial

contributions. These amendments will be highlighted in bold on the amended heads of terms summary document.

8. Additional representations received from Pagham Parish Council. Summaries of these letters are provided below:

Comments received 27th September 2018;

- Allocations SD1 and SD2 will not help achieve sustainable development or deliver net gains across economic, social or environmental objectives and do not benefit from the presumption in favour of sustainable development contrary to the NPPF
- Applicants have failed to demonstrate that the presumption in favour of sustainable development applies
- The development proposed is premature
- Proposals are not in accordance with the development plan policies
- Failure to demonstrate how development can meet the requirements of policies SD SP1a, GI SP1, H SP2, ENV DM2 and H SP2a of the Local Plan
- Failure to demonstrate that the proposals would provide for the relevant infrastructure requirements specified in policies INF 1 and INF 2 and the Infrastructure Delivery Plan and have not provided a CIL compliant S106 Agreement.

Comments received 22nd October 2018;

- Reports include inaccuracies, imprecise and confusing statements regarding material information and fail to properly assess proposals against relevant development plan policies and fails to assess material considerations.
- Failure to resolve many issues relating to viability, deliverability and impact mitigation
- Lack of surety in reports over securing delivery of the development quantum or components
- Currently no lawful or enforcement means by which the contributions towards infrastructure would be collected or commitment to spending

9. Representations made by Pagham Parish Council and Oving Parish Council have been reported separately in the representation section of the report. Consultation responses from Aldwick Parish Council and North Mundham Parish Council were also received but were incorporated within the representation summary rather than being reported separately. Below is a summary of the specific comments submitted by each of the Parish Council's who were not reported individually;

**ALDWICK PARISH COUNCIL**

Comments received 08.02.2017 and 22.08.2017

- Development does not promote sustainable development.
- Proposal conflicts with policy GEN7 (iii), (iv), (v), (vi) and (vii) of the Arun Local Plan 2003.
- Proposal does not meet operation needs of agriculture or forestry in conflict with policy GEN3.
- Development would exacerbate existing flooding risks.
- The LPA needs to be satisfied that adequate drainage capacity exists or that appropriate drainage can be provided as part of the development.
- Members were concerned that surface water could drain into Pagham Rife.
- The use of prime agricultural land for development was ill-conceived.
- There are insufficient employment opportunities in the area to justify the number of houses.



- The already treacherous condition of the existing road should be resolved before any development takes place.
- Development would result in the destruction of 1 or more trees protected by a tree preservation order (TPO).

#### NORTH MUNDHAM PARISH COUNCIL

Comments received 10.02.2017

We are specifically concerned that none of the applications address the effects of these proposed developments on local traffic in our parish, pedestrian safety and traffic pollution (atmospheric and noise).

- The potential for increased local traffic flow, and the absence of any detailed analysis which comprehends the impact of development 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 and surface water and 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.
- Remedial works to local road network insufficient to deal with cumulative impacts of traffic.

10. An additional 11 letters of objection have been received raising the following points:

- Adverse impact and disturbance of habitats and wildlife, including bats.
- Lose of productive farmland.
- Increase risk of sewerage discharge into Pagham Harbour, Pagham Treatment Works already at capacity.
- Pagham Road and other roads in area inadequate for additional traffic.
- Traffic levels dangerous for vehicles and cyclists.
- Essential services may be unable to cope with additional demand.
- Public transport improvements needed.
- Parking improvements required at shopping, leisure and other destinations.
- Traffic volumes unacceptable alone and in combination with other development.
- Flooding of roads would increase.
- Negative impact on local economy.
- Will there be sufficient employment.
- Unsustainable development.
- Other sites preferable e.g. Ford Airfield.
- Air pollution concerns.
- Responsibility for road repairs and timing of work to improve roads
- Query over provision for cyclists

11. The recommendation is amended and it is requested that authority be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Development Control Committee to allow for minor amendments to be made to the heads of terms.

Officers Comment:

1. The financial contribution will be in line with the request of WSCC but the project is yet to be agreed with the LPA disagreeing with the conclusions of WSCC in terms of the project.
2. Both options will generate appropriate financial contributions from the developer as well as secure sufficient land to provide the primary education provision in accordance with policy H SP2a of the Arun Local Plan and the IDP 2017.
3. The additional section on Open Space and Recreation confirms compliance of the proposal with relevant development plan policies.
4. The additional condition has been considered in the amended Appropriate Assessment.
5. The comments from Natural England have been noted and an additional condition has been incorporated to ensure no net loss of foraging habitat. It is considered that these comments do not result in any alteration to the recommendation of the LPA.
6. No additional comments.
7. The amendments include;
  - Update of the financial contributions towards police infrastructure in line with the most recent consultation response.
  - Additional contribution towards the existing Neighbourhood Equipped Area of Play at Pagham Village Hall.
  - Additional detail concerning the Primary School Land and the mechanism for transfer to WSCC.
  - Update to the triggers for some WSCC contributions.
8. The sustainability of the allocations was considered through the Local Plan process which included a sustainability appraisal of all of the strategic allocations. The presumption in favour of sustainable development states that for decision taking it means 'approving development proposals that accord with an up-to-date development plan without delay'. Paragraph 11d i) and ii) is not being applied in this instance because there are relevant development plan policies.

The Reports set out how the proposals accord with the up-to-date Local Plan and that there are no material considerations which indicate that a different decision should be reached.

The proposals are not considered to be premature as the Local Plan has now been adopted and therefore decisions would not undermine the plan-making process.

The Reports include specific reference to consideration of the proposals against policies H SP2, ENV DM2 and H SP2a of the Local Plan. Policy SD SP1a is listed in the policy context for each application and is a high level policy setting out the strategic approach to sustainable growth in the District. Therefore, whilst not specifically referenced within the report the proposed development accords with the relevant parts of policy SD SP1a which are deemed to be (a), (c), (e), (h), (i), (j) and (k) and have been considered in the conclusion to this report.

Policy GI SP1 is not listed in the Policy Context section for P/6/17/OUT and P/134/16/OUT but is relevant to the determination of this application. It is listed in the Policy Context for P/140/16/OUT.

Policy GI SP1 relates to green infrastructure and development, identifying that major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network.

Paragraph 7.3.6 of the Arun Local Plan identifies Green Infrastructure assets in the district as;

- Parks and gardens;
- Natural and semi-natural urban green spaces;
- Grassland, wetlands, flood plains, open and running water, wastelands, derelict open land and the coast.
- Public rights of way;
- Twittens; and
- Outdoor sports facilities.

It is considered that the conclusion to this report has considered the impact of the development upon the green infrastructure network and found it to be acceptable. Financial contributions have been secured towards off-site enhancements as well as onsite provision of open space. Therefore, the proposed development is deemed to accord with policy GI SP1 of the Arun Local Plan.

9. The representations from Parish and Town Council's have already been taken into considered in the conclusion to this report.

10. These comments are considered to have already been taken into consideration in the determination of the planning application.

11. This will allow for finalisation of triggers points and other minor amendments in the drafting of the s106 as necessary.

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Please note that this report update only covers matters up until the 22nd October 2018 at 12pm. Any additional matters or representations submitted after this time and date will be presented to members as a verbal update.