



# Public Document Pack

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Committee Manager Carrie O'Connor

27 June 2019

## Development Control Committee

A meeting of the Development Control Committee will be held in Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF on the Thursday 27th June 2019 at **2.30 pm** and you are requested to attend.

Members: Councillors Bennett (Chairman), Thurston (Vice-Chair, in the Chair), B Blanchard-Cooper, Bower, Charles, Coster, Hamilton, Lury, Oliver-Redgate, Northeast, Pendleton, Roberts, Stainton and Yeates

**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](http://www.arun.gov.uk/planning)<<http://www.arun.gov.uk/planning>>**

## AGENDA

### 11. OFFICER REPORT UPDATES

(Pages 1 - 14)

Circulated at the meeting.

Note : \*Indicates report is attached for Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

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**DEVELOPMENT CONTROL COMMITTEE**

**27 JUNE 2019**

**OFFICER REPORT UPDATES**



## ADDITIONAL REPORT UPDATE

Application no: AL/3/19/PL

Page no: 1

Location: Nyton Nursery Road, Westergate

Description: Residential development of 68 No. dwellings (net increase of 23 over current consent AL/102/17/RES) including 30% affordable housing (7 units) with associated access, public open space and landscaping.

### UPDATE DETAILS

Reason for changes:

Condition 5 – contained error referring to old Local Plan policy

Condition 6 – Bat mitigation strategy. Wording of the condition unclear.

Condition 8 – Dormice mitigation strategy. Applicant has confirmed that the dormice strategy has been implemented under original permission, therefore doesn't need to be pre-commencement condition. Error in reason for condition referring to reptiles.

Condition 9 – Ecological enhancement scheme – Applicant has confirmed that the ecological enhancement scheme has been updated and therefore submission of a scheme prior to commencement is not necessary. Condition will secure compliance with the scheme.

Condition 18 – applicant has confirmed that there is no Knotweed present on this part of the site, and that eradication was required and controlled by condition on the wider site which has been carried out.

Update on pre-commencement conditions not referred to above. The applicant has confirmed in writing that they accept the remaining pre-commencement conditions.

Officers Comment:

Condition 5 - reason wording to be amended to delete reference to GEN7 and replace with D Policies DM1 and ENV DM5 of the Arun District Local Plan.

Condition 6 - wording to be amended to reflect submitted bat mitigation survey information and plans that have been submitted. Condition wording will secure compliance with the schemes/ plans.

Condition 8 - amend condition to remove requirement for it to be pre-commencement but still require compliance with the scheme.

Condition 9 - amend condition delete reference to submission of scheme pre-commencement and secure implementation of approved scheme.

Condition 18 – delete condition

### AMENDED CONDITIONS

5. Prior to the occupation of any dwelling hereby approved a Soft Landscaping Plan and Landscape and Ecology Management Plan (LEMP) shall be submitted and approved by the Local Planning Authority providing details for the on-going management and aftercare of the site once construction is completed.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 and Policy ENV DM5 of the Arun District Local Plan.

6. The mitigation and enhancement strategy for bats shall be implemented and maintained in accordance with the details specified within the 'Updated Bat Survey (August 2017), Ecological Enhancement Plan 31/05/19 and Updated Phase 1 Habitat Survey – August 2017.'

Reason: This condition is necessary to ensure the protection of bats and supporting habitat in accordance with Policy ENV SP1 and ENV DM5 of the Arun Local Plan.

8. The mitigation strategy for dormice shall be implemented in accordance with the details specified within the 'Dormouse Mitigation Strategy (September 2017).

Reason: This condition is necessary to ensure the protection of dormice and supporting habitat in accordance with Policy ENV SP1 and ENV DM5 of the Arun Local Plan.

9. The protection, mitigation and enhancement measures set out on the Ecological Enhancement Plan (dated 31/05/19) and within the Updated Phase 1 Habitat Survey – August 2017 shall be implemented and maintained.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat in accordance with policy ENV SP1 and ENV DM5 of the Arun Local Plan.

~~18. Development shall not commence for any dwelling hereby approved, until such time as a scheme for the removal or the long term management and control of Japanese Knotweed on the site is submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details and a programme of implementation.~~

~~Reason: Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy QE DM4 of the Arun Local Plan.~~

## REPORT UPDATE

**Application no:** AL/3/19/PL  
**Page no:** 1  
**Location:** Nyton Nursery Nyton Road Westergate  
**Description:** Residential development of 68 No. dwellings (net increase of 23 over current consent AL/102/17/RES) including 30% affordable housing (7 units) with associated access, public open space & landscaping.

### UPDATE DETAILS

Reason for Update/Changes:

1. Additional consultee responses received as follows:

NATURAL ENGLAND:

Original advice applies to amended scheme .

WSCC INFRASTRUCTURE:

Confirmation provided of requirements for contributions (calculated on the basis of a net increase of 23 dwellings) towards

- Primary education - additional equipment at Eastergate CofE Primary School.
- Secondary education - fixtures, fittings and equipment at phase 1 of a new secondary school for Arun.
- Sixth form - classroom infrastructure at St Phillip Howard Catholic High School Sixth Form.
- Libraries - new Tier 7 Facility serving Barnham/Eastergate/Westergate.
- Fire and Rescue Service - supply and installation of community link smoke detectors to vulnerable persons homes in West Sussex Fire Rescue Services Northern Area serving Aldingbourne.

Contributions would be in addition to those secured under AL/61/13.

ENVIRONMENT OFFICER:

Updated comments 10.06.19. Reptiles - precautionary approach can be undertaken. Great Crested Newts - precautionary approach as set out in Phase One Habitat Survey (Aug 2017) can be undertaken, this should be conditioned. Hedgerows - hedgerows used by protected species will need to be retained and enhanced. Conditions to secure this.

2. Walberton Parish Council have submitted a further representation:

Walberton Parish Council:

- Objects to the application on grounds that the A29, particularly the Fontwell Roundabout cannot cope with more traffic

- The Croft Surgery is oversubscribed
- It is not in the Aldingbourne Neighbourhood Plan

Two additional representations have been submitted as follows:

- application for additional dwellings not sustainable
- will add to potential gridlock on poor road infrastructure (A29 and B2233)
- GP surgery and schools at capacity
- enabling larger development through back door
- access is onto busy road - why add more traffic
- no proposals to enhance public transport
- community infrastructure cannot cope
- funding proposed is insufficient and lacks sustainable community vision
- no demand for additional houses here

3. The applicant has queried the need for some of the pre-commencement conditions as set out and has requested amendments.

Officers Comment:

1. The Heads of Terms set out in the report reflects the consultation response from WSCC Infrastructure. The proposed ecology conditions are consistent with the updated comments from the Environment Officer.
2. The comments from Walberton Parish Council are addressed in the main report. The issues raised in the representations are addressed in the main report.
3. Discussions with the applicant on conditions are ongoing and a verbal update will be provided.



## REPORT UPDATE

**Application no:** AL/32/19/OUT  
**Page no:** 29  
**Location:** Wings Nursery Lidsey Road Woodgate  
**Description:** Outline application with some matters reserved for the erection of 55 No. dwellings, access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/115/17/OUT). This application is a Departure from the Development Plan.

### UPDATE DETAILS

#### Reason for Update/Changes:

Changes to the position on Council's 5 years Housing Land Supply position, additional comment on agricultural land loss policy SO DM1 and update of ecological matters following the submission of an additional study re greater crested newts.

#### Officers Comment: (1) HOUSING LAND SUPPLY

Following the Authority Monitoring Report (AMR) considered at the Planning Policy Local Plan Sub-Committee on 18th June the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is currently a 4.7 year supply - down from the 5.3 year supply on adoption of the Arun Local Plan in July 2018.

The reasons for the lower projected delivery include; recent planning refusals on some Strategic Allocations; poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; and developer/market factors outside of local authority control.

The consequence of not having a 5-year HLS means that paragraph 11.d of the NPPF (2019) and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

It is not considered that either (i) or (ii) apply to this determination and therefore this adds weight to the recommendation to approve the application.

#### (2) AGRICULTURAL LAND

The officer report has determined that the proposal does not comply with Arun Local Plan Policy SO DM1 and that therefore, there is conflict with this policy. This is on the grounds that the land is

designated as being high grade agricultural land and the policy is clear that development will not be permitted on such land unless certain documents are provided to demonstrate that the site is the best location and to set out mitigation measures. None of these documents have been provided and this further supports the view that there is conflict with the policy.

Members should also note that paragraph 170 (b) of the NPPF states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by: (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"

However, the conclusions section of the report considers there are material considerations which override the conflicts identified (both in terms of countryside policy and the loss of the agricultural land). This includes the allocation in the emerging Aldingbourne Neighbourhood Development Plan and the position outlined above regarding housing land supply.

### (3) ECOLOGY

At the request of our ecology advisor the applicant submitted a Habitat Suitability Index (HSI) and an eDNA test (analysis of water samples in water bodies within 500m of the site). This shows that 1 pond, a distance of 470m away, has a good habitat suitability with positive eDNA. As a result of the study and taking the advice of our ecologist a new condition is proposed:-

The development shall be undertaken in accordance with the Evaluation and Recommendations as specified in the Habitat and Suitability Index and eDNA report submitted by The Ecology Consultancy dated 12th June 2019.

Reason: In the interests of the ecology of the area and in accordance with ENV SP1 and ENV DM5 of the Arun Local Plan.

Note: The changes to conditions as highlighted above.

### Conclusions:

The development plan policy is out of date because the application is for housing, and the LPA cannot demonstrate a five year supply of deliverable housing sites. Therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In reaching the conclusion to recommend approval for this application the Local Planning Authority have balanced the lack of housing land supply and the allocation in the emerging Neighbourhood Plan against the policy conflict including policy SO DM1 and paragraph 170(b) of the NPPF. It is accepted that there would be a loss of the best and most versatile agricultural land however, in this case the benefits are the boost to the Councils Housing Land Supply, the provision of affordable housing and the contributions to local education, libraries and medical services.

## REPORT UPDATE

**Application no:** Y/62/18/OUT  
**Page no:** 159  
**Location:** Clays Farm North End Road Yapton  
**Description:** Outline application with some matters reserved (appearance, landscaping, layout & scale) for 33 No. residential dwellings, access, landscaping & associated works. This application is a Departure from the Development Plan.

### UPDATE DETAILS

Reason for Update/Changes:

#### (1) HOUSING LAND SUPPLY

Following the Authority Monitoring Report (AMR) considered at the Planning Policy Local Plan Sub-Committee on 18th June the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is currently a 4.7 year supply - down from the 5.3 year supply on adoption of the Arun Local Plan in July 2018.

The reasons for the lower projected delivery include; recent planning refusals on some Strategic Allocations; poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; and developer/market factors outside of local authority control.

The consequence of not having a 5-year HLS means that paragraph 11.d of the NPPF (2019) and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

It is not considered that either (i) or (ii) apply to this determination and therefore this adds weight to the recommendation to approve the application.

#### (2) AGRICULTURAL LAND

The officer report has determined that the proposal does not comply with Arun Local Plan Policy SO DM1 and that therefore, there is conflict with this policy. This is on the grounds that the land is designated as being Grade 1 agricultural land and the policy is clear that development will not be permitted on such land unless certain documents are provided to demonstrate that the site is the best location and to set out mitigation measures. None of these documents have been provided and this further supports the view that there is conflict with the policy.

Members should also note that paragraph 170 (b) of the NPPF states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by: (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"

Officers Comment:

Members are reminded that the relevant development plan policies (SO DM1 and C SP1) are out of date because the application is for housing, and the LPA cannot demonstrate a five year supply of deliverable housing sites and therefore has reduced weight. Therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this case, the adverse impact of granting permission is solely the loss of grade 1 agricultural land (and conflict with policy SO DM1) whereas the benefits are the boost to the Councils Housing Land supply, the provision of affordable housing and the financial contributions to local education, libraries & medical facilities.

There are therefore, no changes to the recommendation or to the conditions.

## REPORT UPDATE

**Application no:** A/40/18/OUT  
**Page no:** 1  
**Location:** Land North of Water Lane Angmering  
**Description:** Outline application with some matters reserved for the development of up to 525 residential dwellings (Class C3), 3 ha (gross) of employment land (Class B1), public open space, play areas, access, associated infrastructure and landscaping.

### UPDATE DETAILS

#### Reason for Update/Changes:

1. The ADC Arboricultural Officer has withdrawn his objection to the proposed development. The indicative layout plan which has been submitted with the outline planning application is unacceptable due to the impact on the trees on the site. However, a revised layout plan is expected to be submitted at the reserved matters stage which should avoid direct interference with the trees that are the subject of a Tree Preservation Order (TPO).

2. Angmering Parish Council submitted three further letters dated 20th and 25th June 2019. These letters relate to the following:

- Request that the application is not determined at committee on 27 June as it is premature.
- Requesting clarification on how and where the applicant proposes to deliver the land for the proposed primary school "back stop";
- Requested sight of WSCC's Multi-Disciplinary Consultancy utilities and capacity survey to ensure it is suitable for the provision of a new primary school.
- Concerns have also been raised regarding the cumulative effect of developments on surface water run-off and flood risk within Angmering. Specifically, surface water discharge into the Black Ditch.
- Winter monitoring must be completed on site. There is a lack of investigation undertaken to demonstrate flood risk will not increase.
- Request that drainage proposals are agreed in parallel to the Environment Agency's proposals in the village. Drainage schemes must not be treated in isolation
- Question why the Environment Agency (EA) have not been consulted. Though they acknowledge that there is no requirement to consult them.
- S106 contributions towards the EA scheme should be made before any homes are occupied.
- Delivery of flood risk mitigation and new primary school must not be left to chance.

3. The wording in the draft S106 Agreement regarding the servicing of the employment land needs to be amended to include the provision of 'roads and footways'.

#### Officers Comment:

1. The ADC Arboricultural Officer's revised consultation response is noted.

2. At the strategic sites meeting at County Hall on the 3rd May 2019 between officers from ADC and WSCC, it was expressed by colleagues at WSCC that the back stop position was no longer required. As WSCC no longer require land for the proposed primary school "back stop" there is no reference to a "back stop" in the draft S106 Agreement. WSCC supports the wording of the draft S106 Agreement. On 26th June 2019, WSCC provided a copy of the utilities and capacity survey of the proposed location of the new primary school to ADC and the Parish Council. WSCC's timeframe for bringing forward a new primary school will be determined following on-going reviews of pupil projection forecasts for the Angmering Planning Area in line with the strategic development housing delivery. WSCC is committed to building a new primary school on the site identified in Angmering, provided the existing schools in the area are at capacity.

In response to the Parish Council's concerns regarding flooding, policy requirements are that a development must restrict surface water run-off to or less than pre-development rates. Therefore, each development will not increase flow rates and there is no cumulative effect. Arun District Council, under powers delegated from WSCC as Lead Local Flood Authority, approve discharge rates from developments. The proposed point of discharge is into an ordinary watercourse and would require land drainage consent from ADC. In meetings with the Environment Agency regarding the proposed flood alleviation scheme for Angmering all matters have been discussed, including this proposed development. The Environment Agency Flood Alleviation Scheme will be upstream of this proposed development and S106 contributions have been secured from this development towards the scheme. The proposed planning conditions will ensure that the development will not increase flood risk.

The proposed discharge points for surface water from the development are to ordinary watercourses and consequently the applicant will need to obtain ordinary watercourse land drainage consent from ADC.

ADC is fully aware of the flooding that has occurred within Angmering village. A large area of the site is currently hardstanding and significant water runs off the site. It is considered that the proposed development would provide an opportunity to improve flow rates from the site, significantly reducing flooding.

The development would result in flows for rainfall events actually being less than the pre-development rates. The development would help to reduce flows through the village and the probability of flooding in the village.

Concerns were raised by the Parish regarding changes in policy and climate change allowances and the wording of the proposed conditions. The agreed scheme will have to take account of climate change.

It should be noted that full winter groundwater monitoring and infiltration testing must be completed to enable discharge of the drainage conditions that are proposed to be imposed upon this application.

Exact details of the proposals for the Angmering flood alleviation scheme cannot be provided at this time as this information is not within the public domain. However, it is confirmed that the options being examined will be compatible with the surface water proposals from this site. The

development will also financially contribute to the flood alleviation scheme.

The Environment Agency was consulted on the outline planning application but replied saying that "as the site is located in Flood Risk Zone 1 the Environment Agency should not be consulted on this application and therefore have not provided a response".

The contribution towards the Angmering Flood Risk Management Project to deliver sustainable water management for the Black Ditch catchment through Angmering is on the occupation of the first dwelling, and not before any homes are occupied; and this has been agreed with the Lead Local Flood Authority, and it is considered to be acceptable and reasonable.

3. Agree to the amendment to the S106 Agreement to read: "Prior to the occupation of the 150th housing unit to provide the Services to the Employment Land. Not to cause, allow or permit the occupation of the 150th housing unit until the Services, roads and footways have been provided to the Employment Land, in accordance with a scheme".

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