

## REPORT UPDATE

**Application no:** WA/74/24/OUT  
**Page no:** 7  
**Location:** Land off Arundel Road Fontwell  
**Description:** Outline application with all matters reserved, other than access, for the erection of up to 56 No. residential dwellings including affordable housing and a stand-alone community building. This application may affect the setting of a listed building and may affect a public right of way.

### UPDATE DETAILS

Reason for Update/Changes:

#### SOUTHERN WATER:

Southern Water have now responded to state no objection subject to a standard condition. In terms of capacity, they state "There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 0.51 l/s for the above development at manhole reference SU95066901."

On the basis that Southern Water only request the standard condition and do not request any phasing of occupancy to take account of network reinforcement, it is proposed to amend condition 13 in the agenda to delete the phased occupancy requirement.

#### WSCC DRAINAGE:

The applicant has now provided information to state that the design will utilise a shallow infiltration basin in the location where the groundwater was found to be the deepest which coincided with the best infiltration rates (at the south-eastern corner). However, should infiltration on the site not be possible following winter ground water monitoring surveys, then the developer will replace the existing damaged 150mm diameter highway surface water sewer pipe with a new 225mm diameter sewer and then connect to this at an attenuated rate of 2l/s/ha (which is less than the greenfield rate).

The WSCC Drainage Engineer stated in writing on 10/01/25 that "I would be happy to prepare a response in removing the LLFA objection in principle as what has been provided is reasonable and proportionate however this would be subject to a supporting response on planning portal from the Highways department to similar effect." WSCC Highways were therefore asked to comment, and they replied in writing on the same day with "Thank you for sight of this. Having looked through the paragraphs you state I don't think this would change my comments from the September/October last year."

Officers are therefore expecting a formal response from WSCC Drainage to state no objection and recommend conditions. It is hoped this will be received prior to the meeting but should this not happen, Officers would request that members agree to defer to the Group Head of Planning to agree the surface water drainage conditions alongside the content of the s106 agreement.

## REQUEST FOR A PEDESTRIAN CROSSING OF THE A27

There has been a request made by the Parish Council and more recently by a Ward Councillor for the proposal to provide an at-grade crossing of the A27 Fontwell East roundabout to enable people using the footpaths on either side to safely cross the road. Members should note that there is already a crossing on the roundabout with dropped kerbs and a mix of natural path and pavement.

The applicant has been asked whether they would agree to improving the crossing as part of their proposals and they have confirmed in writing that they do not consider this meets the tests set out in the CIL regulations or the NPPF because it would not be necessary to make the development acceptable in planning terms and is not fairly or reasonably related in scale and kind to the development.

Officers agree with the applicant's position. It is material that National Highways have not requested such a crossing, that there is already a form of crossing in place, that there is an underpass style crossing to the west of the roundabout and that no part of the Neighbourhood Plan requires an improved pedestrian crossing. It is acknowledged that both the NPPF and Local Plan policies require improved pedestrian access and footpath connections, but it should be noted that the scheme already proposes new connections to the footpath on the western side and that the applicant has also agreed to make improvements to this path at the request of WSCC. Should the Parish council and Ward Councillors feel strongly about improving the crossing then National Highways should be contacted to agree a scheme and then CIL monies used to fund its implementation.

Officers have spoken with National Highways and have requested their comments in writing but, they may not be able to do this given the short notice. Over the phone on Monday 13th, they confirmed that there is already an at-grade crossing in place and that investigations are due to be undertaken as regards improving both of the two Fontwell roundabouts. They stated verbally that it would not be efficient if improvements were made only for them to be removed and replaced a few years down the line when comprehensive junction improvement proposals are undertaken.

### S106 DETAILS:

Finally, members may have noted that the Section 106 Details part of the report is missing from the agenda. This had been prepared and should have been included. This section of the report would have stated:

This decision will be subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate).
- (2) A Secondary School Transport Contribution.
- (3) A Travel Plan auditing/monitoring fee (index linked).
- (4) On-site BNG and future management/monitoring.
- (5) A mechanism to safeguard and transfer, at zero cost, the requisite land for the childcare facility

to Walberton Parish Council.

(6) ADC's standard monitoring fee of £2000; and

(7) WSCC's standard monitoring fees (to be determined by WSCC during the drafting).

#### RECOMMENDATION:

The recommendation is therefore now for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

(a) Grant full planning permission subject to conditions including agreement of the required surface water drainage conditions; and

(b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning.

#### Officers Comment:

As set out above, it is requested that members agree to amend condition 13 so that instead states:

"Before the development hereby permitted is commenced, details of the 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).

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Water Source Protection Zone in accordance with Arun Local Plan policies D DM1, W DM1, and W SP1. 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."

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## REPORT UPDATE

**Application no:** LU/242/24/PL  
**Page no:** 47  
**Location:** 1-5 St Martins Lane Littlehampton  
**Description:** Change of use to F1 and F2 community centre and place of worship. This application is in CIL zone 4 (zero rated) as other development.

### UPDATE DETAILS

#### Reason for Update/Changes:

The applicant has submitted a Travel Plan and Noise Reduction Report in order to address the concerns raised by WSCC Highways and ADC Environmental Health, and remove the reasons for refusal. WSCC and EH have both been re-consulted, however neither party have provided a response to the additional information.

For reference as of 14/01/25, a total of 153 objections have been received, 3 no objections, and 59 support. Concerns raised within objections reflect the issues recorded in the report, with the exception of additional considerations regarding:

- Equality assessment, specifically in regard to sex and women's equality,
- Whether Arun will be ensuring the building is used as proposed.
- Requests a more suitable location be found.

Further support representations include the following:

- Confirmation that Littlehampton United Church has accommodated the community for the last 6 years, during which there have been no issues socially, or in regard to parking demand.
- Support for the freedom of Worship, and this being a fundamental right.

#### Officers Comment:

In light of awaited responses, the reasons for refusal are upheld in line with the holding objection from both consultees. Comments received from public representations are noted; however no further issues have been raised which require additional consideration to that already assessed within the report. As such, there are no changes to the recommendation.

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## REPORT UPDATE

**Application no:** FG/92/24/PL  
**Page no:** 59  
**Location:** Land to the rear of 1 Sea Drive Ferring  
**Description:** 1 No dwelling. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

### UPDATE DETAILS

Reason for Update/Changes:

Agent has submitted a revised BNG metric and revised plans demonstrating a biodiversity gain.

Officers Comment:

#### BIODIVERSITY

The BNG hierarchy states (where no medium to high habitat distinctiveness is present), all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered off-site gains and finally the purchase of BNG credits. The submitted application made no attempt to create new on-site habitat despite having a good amount of open space to the front of site. Further to discussion between the officer and agent, it was agreed that this preferred approach to securing BNG would be explored.

Amended plans have now been submitted showing a 4m deep area to the front of site allocated to establish an area of BNG. This area will be fenced from the front garden to define it from the rest of the garden. An estimated 12.09% in habitat units and 100.84% in hedgerow units is achievable on-site, this exceeds the minimum 10% gain requirements.

The proposal accords with Policy ENV DM5 and the Environment Act.

#### CHARACTER AND APPEARANCE

Further to securing an on-site BNG, the amendments will also have a positive effect on the street scene. The submitted scheme included a 1.5m high fence to the site's frontage, which is not out of character as it is existing but it cannot be described as welcoming. In this respect, it didn't accord with Part P of the ADG. With the addition of a landscaping buffer 4m deep to the site's frontage, this will soften the development when viewed from the highway. It is also in-keeping with 108 Sea Lane as this has a mature garden to its frontage.

Overall, the inclusion of planting to the site's frontage adds a pleasant greening effect which is more welcoming than the previously proposed fence. It accords with Part P of the ADG.

#### RESIDENTIAL AMENITY

The inclusion of a planting buffer to the site's frontage, which includes a native mix hedgerow, will act as a physical and visual buffer from passing pedestrians and traffic, giving the front garden more privacy.

As there is limited private rear amenity space, securing a private front garden will enhance the amenity space provision. Part H of the ADG states dwellings should be afforded a minimum of 10.5m rear garden space unless other private and usable spaces can be created.

As the remaining frontage will be 6m deep, it will be usable for future occupants, it will also be no less private than the rear space. In this respect, the proposal accords with Part H of the ADG.

#### REPORT UPDATE SUMMARY

There is no change to the officer's recommendation to approve the application; the amendments will have a positive effect. An amended condition; Condition 2 (plans) can be found under Officer Recommendation at the end of the attached report.



1 No dwelling. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

Land to the rear of 1 Sea Drive  
Ferring

## RECOMMENDATION

AC - Approve Conditionally

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
  1. Location Plan 2114 004
  2. Proposed Site Plan 2114 700 Rev C
  3. Elevations Front and Side 2114 702 Rev A
  4. Elevations Rear and Side 2114 703 Rev A
  5. Floor and Roof Plans 2114 701
  6. Section and Plans Garden Store 2114 704
  7. Proposed Section B-B and C-C 2114 705 Rev A
  8. Proposed Site Section 2114-PL-706A  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan Policy D DM1.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the northern or southern wall of the building without the prior written permission of the Local Planning Authority on an application in that behalf.  
  
Reason: To protect the amenities of adjoining residential properties in accordance with Arun Local Plan policies D DM1.
- 4 Notwithstanding the provisions of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwellings shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.  
  
Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Arun Local Plan policy D DM1.
- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.  
  
Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.
- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with dwg 'Proposed Section A-A & Garden Store 2114 704' hereby approved by the Local Planning Authority. The spaces so provided shall be retained in

perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 7 No development above damp-proof course (DPC) level shall take place unless and until details of the front boundary treatment has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy D DM1.

- 8 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

- 9 No part of the development shall be first occupied until visibility splays of 2.4m by 43m have been provided at the vehicular access onto Sea Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

- 10 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 11 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures suitable to achieve a minimum of a measurable 10% Biodiversity Net Gain (BNG) shall be submitted to and approved in writing by the Local Planning Authority.

The proposal should also provide 1 no.bat tube and 1 no. bird nesting box.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 12 Prior to any part of the new development being first brought into use/occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 13 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of the dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 15 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

- 16 **INFORMATIVE:** The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways-licence/>

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