



Public Document Pack

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18 October 2021

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Wednesday 27 October 2021 at 2.00 pm** and you are requested to attend.

Members: Councillors Chapman (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Charles, Coster, Edwards, Goodheart, Kelly, Thurston and Tilbrook

PLEASE NOTE: Subject to Covid-19 Risk Assessments members of the public are advised of the following:

Where public meetings are being held at the Arun Civic Centre in order to best manage safe space available, members of the public are in the first instance asked to watch the meeting online via the Council's Committee pages – the meeting will be available to watch live via the internet at this address: [Arun District Council](#)

- a) Where a member of the public has registered a request to speak, they will be invited to submit their statement in advance of the meeting to be read out by an Officer. In response to the continuing health guidelines, there will be very limited public access to this meeting. Admission for public speakers will be by ticket only. Attendees will be asked to sit in an allocated seat in the public gallery on a first come first served basis. Only one ticket will be available per person.
- b) It is recommended that all those attending take a lateral flow test prior to the meeting.
- c) All those attending the meeting will be required to wear face coverings and maintain safe distancing when in the building/meeting room.
- d) Members of the public must **not** attend any face to face meeting if they or a member of their household have Covid-19 symptoms.

For further information on the items to be discussed, please contact: committees@arun.gov.uk

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 ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

Members and officer should make their declaration by stating:

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

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

(Pages 1 - 12)

To approve as a correct record the Minutes of the meeting held on 8 September 2021.

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

PLANNING APPLICATIONS

6. **A/26/21/RES - LAND WEST OF BROOK LANE AND SOUTH OF A259, ANGMERING BN16 3JL** (Pages 13 - 32)
7. **BN/18/21/RES - GTR LAND EAST OF FONTWELL AVENUE, ARUNDEL ROAD, ARUNDEL BN18 0SB** (Pages 33 - 46)
8. **FG/90/21/HH - 1 SEA DRIVE, FERRING BN12 5HD** (Pages 47 - 54)
9. **FG/114/21/HH - 23 SOUTH DRIVE, FERRING BN12 5QU** (Pages 55 - 62)
10. **P/49/21/RES - LAND NORTH OF SEFTER ROAD AND 80 ROSE GREEN ROAD, PAGHAM** (Pages 63 - 88)
11. **WA/63/21/PL - LAND EAST OF TYE LANE, WALBERTON BN18 0LU** (Pages 89 - 110)
12. **Y/49/21/RES - LAND EAST OF DROVE LANE, YAPTON BN18 0ES** (Pages 111 - 140)

PLANNING APPEALS

13. **APPEALS** (Pages 141 - 144)

OFFICER REPORT UPDATES

Will be circulated on the day of the meeting should there be any.

BACKGROUND PAPERS

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

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

Contact Officers :

Neil Crowther (Ext 37839) email neil.crowther@arun.gov.uk

Daniel Vick (Ext 37771) email dan.vick@arun.gov.uk

Juan Baeza (Ext 37765) email juan.baeza@arun.gov.uk

Claire Potts (Ext 37698) email Claire.potts@arun.gov.uk

Note: Reports are attached for all 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.

Note: Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

Agenda Item 4

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

8 September 2021 at 11.30 am

Present: Councillors Chapman (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Charles, Coster, Edwards, Kelly, Thurston and Tilbrook

[Note: The following Councillor was absent from the meeting during consideration of the matters detailed in the Minutes indicated – Councillor Blanchard-Cooper – Minute 195 to Minute 200 (Part)].

Apologies: Councillor Goodheart

229. DECLARATIONS OF INTEREST

Councillor Bower declared a Personal Interest in Agenda Item 6 [EP/16/21/PL] as he was a Member of the Residents' Association and resident on the same estate as the application. The Interest was Personal due to the distance from his residence to the application site but confirmed that he would refrain from voting.

Councillor Charles declared a Personal Interest in Agenda Item 10 [LU/238/20/OUT] and Agenda Item 12 [F/5/20/PL] as a Member of West Sussex County Council.

230. MINUTES

The use of the word 'outline' in the resolutions was questioned as the conditions of resolutions were definitive. The Committee agreed that this wording be changed to 'as detailed' in these and all future Minutes. With this change, the Minutes of the meeting held on 28 July 2021 were then approved by the Committee.

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

The Chair explained that under the new constitution adopted in May 2021, the Planning Protocol at Part 8, Section 3, paragraph 11 detailed the procedure for public speaking at Planning Committees, in particular paragraphs 11.4 and 11.5 made it clear that there was a time limit of 3 minutes for each group of speakers namely, Ward Councillors, Parish, Councils, objectors, applicants/agents or supporters and not as previously where the time limit was 3 minutes for each speaker. Unfortunately this had not been relayed to the public speakers who have registered to speak at this meeting and their expectation was that they each had 3 minutes to speak. At the last Planning Committee meeting on 28 July, a motion was passed that the Constitution Working Party review this but their first meeting was on 18 October, and so the Chair used his discretion to allow those who had registered to speak to each have 3 minutes.

Planning Committee - 8.09.21

The Chair also confirmed that the running order of the meeting would vary from that of the published agenda due to the Covid-19/Health and Safety restrictions in place at the meeting. The actual running order was as follows [published agenda item numbers in brackets]:

6. F/5/20/PL [Item 12]
7. P/96/21/DOC [Item 8]
8. LU/238/20/OUT [Item 10]
9. P/132/21/RES [Item 7]
- 10.A/130/21/PL [Item 19]
- 11.M/88/21/PL [Item 9]
- 12.Rampion 2 Wind Farm Consultation Response [Item 20]
- 13.FP/136/21/PL [Item 11]
- 14.AW/228/21/RES [Item 14]
- 15.AL/20/21/PL [Item 15]
- 16.EP/16/21/PL [Item 6]
- 17.AL/66/21/PL [Item 16]
- 18.AB/48/21/PL [Item 17]
- 19.EP/57/21/PL [Item 13]
- 20.Appeals [Item 21]

A/26/21/RES [Item 18] had been deferred since publication of the agenda and was not heard at this meeting.

232. F/5/20/PL - FORD AIRFIELD MARKET, FORD BN18 0FL

[Councillor Charles redeclared at the beginning of this item his Personal Interest made at the start of the meeting.]

3 Public Speakers

Cllr Colin Humphris – Climping Parish Council

Alan Lovell - Objector

Cllr Amanda Worne – Arun District Council Ward Member

Reconfiguration of Ford Market, including revised market access, hardstanding for replacement vehicular parking and associated infrastructure, landscape, ancillary and site preparation works.

The Strategic Development Team Leader presented her report with updates. This was followed by 3 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including:

- the inability to consider the impact of a prospective adjacent planning application on the approval of an application being heard at the meeting as Committee could not know what might come and what might be implemented should approval be given

- previous development having been refused due to it not resolving issues around the Oystercatcher roundabout and creating traffic issues for Horsemere Green Lane
- the traffic impacts on Horsemere Green Lane and the need for a traffic study of the lane as evidence to support future decisions especially when County Highways have given no reason to refuse, and that this study could be funded by the Parish Council from CIL payments
- concerns over the entrance to the site on Ford Road which has its challenges now before the removal of another entrance, queuing at this entrance only worsening if all traffic be directed to it, and problems with parking on the road
- concerns and criticism of the discrepancy between official vehicles numbers and those in residents' studies, no mention of Saturday markets in the report, how these made making a decision difficult and whether independent research could be commissioned to resolve this
- the modelling only being concerned with the junction on Ford Road with no mention of Horsemere Green Lane, Yapton Road or the Oystercatcher junction
- impacts of the market on other businesses due to the conflict between pedestrians and heavy goods vehicles.

It was proposed and seconded that the application be deferred to allow for further evidence gathering to be undertaken.

The Committee

RESOLVED

That the application be deferred for further evidence gathering to be undertaken on the transport and highway implications over a wider area than that which had already been studied.

233. P/96/21/DOC - LAND NORTH OF SEFTER ROAD & 80 ROSE GREEN ROAD, PAGHAM

1 Public Speaker

Hardeep Hunjan – Agent

Approval of details reserved by condition imposed under ref P/134/16/OUT relating to Condition No 34 - statement of how WW2 Infantry Section Post will be retained & integrated.

The Strategic Development Team Leader presented her report. This was followed by 1 Public Speaker.

Members warmly welcomed these proposals and thanked the developer for coming up with the strategy.

Planning Committee - 8.09.21

The Committee

RESOLVED

That the written scheme of investigation be agreed to inform a statement explaining how the WW2 Infantry Section Post will be retained on the site and that Condition 34 be discharged accordingly.

234. LU/238/20/OUT - LAND WEST OF BRIDGE ROAD ROUNDABOUT, LITTLEHAMPTON BN17 5DF

[Councillor Charles redeclared at the beginning of this item his Personal Interest made at the start of the meeting.]

Outline planning permission with some matters reserved for demolition of existing treatment works and redevelopment of a former camp site on the edge of the River Arun to provide up to 105 homes, 100sqm of A1 Shops use, 220sqm of A3 Restaurant use and 420m of pontoons to provide approximately 32 leisure moorings along with associated landscaping, sluice gate, flood defence works, car parking and highways works, including access. This application also lies within the parish of Clymping, may affect a Public Footpath and is a Departure from the Development Plan.

The Strategic Development Team Leader presented her report with updates.

Members then took part in a full debate on the application where a number of points were raised including:

- support for the principle of the development but concern over issues including the access to the development from the roundabout which repeats a similar situation seen at the Wick roundabout which West Sussex County Council are proposing to change and the impact of pedestrian crossings to traffic low
- the development being considered contrary to T SP1 and T DM1 in the Local Plan as there was no convenient access to close-by public transport
- whether an 8-storey development was unacceptable scale and height for the location and would comprise views from the bridge to Arundel and the South Downs
- support for the modern design of the development
- a good use of the area
- how sustainable the development was, being built on an area very likely flood, and questions over what energy saving or climate contribution the developers were making

The Strategic Development Team Leader provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the Planning Committee delegate to the Group Head of Planning (in consultation with the Chairman and the Vice Chairman) authority to:

- a) Authorise the execution and completion of the Section 106 Agreement following negotiation to secure a viability review mechanism
- b) Grant planning permission subject to conditions and the Section 106 Agreement
- c) Should there be a failure to reach agreement on the Section 106 Agreement within three months, to refuse planning permission for the following reasons:
 1. In the absence of a completed S106 Agreement the proposed development would fail to provide a satisfactory mechanism to secure affordable housing provision or contributions contrary to policies INF SP1 and AH SP2 of the Arun Local Plan 2018
 2. In the absence of a completed S106 Agreement the proposed development would fail to provide satisfactory mitigation for the impact on the A27 and would not secure the requirement Travel Plan auditing contribution contrary to policy T SP1 of the Arun Local Plan 2018

235. P/132/20/RES - LAND NORTH OF HOOK LANE, PAGHAM

[Councillor Blanchard-Cooper entered the meeting at the beginning of this item.]

3 Public Speakers

Pagham Parish Council

Owen Jones - Agent

Cllr Huntley – Arun District Council Ward Member

Approval of reserved matters following P/30/19/OUT for 300 No. new homes, internal roads, footpaths & cycleways, car parking & landscaping. This application affects the setting of a listed building & falls within Strategic Site H SP2, CIL Zone 1 (Zero Rated).

The Strategic Development Team Leader presented her report with updates. This was followed by 3 Public Speakers.

Planning Committee - 8.09.21

Members then took part in a full debate on the application where a number of points were raised including:

- the absence of the care home from the application
- whether there would be adequate and safe pedestrian and cycle paths to the proposed school on an adjacent separate site
- the widths of roads and whether they are too narrow and could lead to issues for emergency and refuse vehicles, and whether tracking information had been confirmed
- whether parking was not always in the right place so that residents could park outside their own house

The Strategic Development Team Leader and Group Head of Planning provided Members with answers to all points raised during the debate, confirming that the site for the care home was still reserved for a care home but that this reserved matters application only concerned the housing part of the development. The Group Head of Planning further reminded Members to ask any questions ahead the meeting as per the guidance in the agenda where an answer may have needed looking up to ensure Officers could provide answers and avoid unnecessary delays to the meeting.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

236. A/130/21/PL - 16 PINE TREES CLOSE, ANGMERING BN16 4LT

1 Public Speaker

Richard Conroy – Agent

Demolition of existing garage, conversion of extension (approved under A/66/21/HH) to 1 No. 2 bed dwelling, provision of 4 parking spaces and cycle/refuse storage. This application is within CIL Zone 2 and is CIL liable as new dwelling.

The Strategic Development Team Leader presented her report with updates. This was followed by 1 Public Speaker.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

237. M/88/21/PL - 155 MIDDLETON ROAD, MIDDLETON-ON-SEA, PO22 6DF

1 Public Speaker

Harish Puthran – Objector

Coffee trailer business to be located on the shingle area adjacent to the paved forecourt. This application may affect the setting of a listed building & is in CIL Zone 4 (Zero Rated) as other development.

The Group Head of Planning presented the report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised including:

- it not being in keeping with the area and its impact on the picturesque nature of the village
- creating competition with an established café and whether it was in the wrong place
- competition not being a planning consideration
- the possibility of adding conditions preventing cooking and seating being introduced in the future, probably with lesser business rates
- how would the trailer be powered and would it be noisy
- the lack of an environmental statement in the Officer's report and concerns over litter and recycling with lack of space for bins

The Group Head of Planning provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

238. RAMPION 2 WIND FARM CONSULTATION RESPONSE

The Group Head of Planning presented his report with some background information of the proposed wind farm and highlighted Section 3 of the report which contained some of the major conclusions drawn from a preliminary environmental report prepared in support of the application and response from internal consultees on technical matters.

Planning Committee - 8.09.21

Members then took part in a full debate on the item where a number of points were raised including:

- the importance of the issue of views to the sea and how the wind farm might affect the leisure and tourism industries
- how the larger (than Rampion 1) wind turbines might dominate the skyline and whether this was overdevelopment
- whether this development should be considered inshore rather than offshore as it was within the 12-mile limit
- the effect on the environment and economy of Arun, which might not be immediately obvious
- the need to commission a report into the impacts of the wind farm
- a lack of available evidence more generally on the effect to coastal towns and whether Arun could make direct enquiries to other Local Authorities that have gone through this experience
- the shipping lanes preventing the wind farm being located further from the coast
- the purpose of this response, clarifying Arun's opening position which would then be further informed by the Local Impact Report to be followed by a more detailed response in answer to the particular issues identified by Arun rather than the proposers
- the reality that wind farms will happen due to the climate emergency, but that Arun must reap the benefits if we are to have this on our horizon
- the question of training and what this might look like, from both new and growing industries
- the need for comments around habitat loss and disturbance to be beefed up, the Arun River valley being one of the District's most special and protected landscapes, and to know more about the impacts on wildlife and to what extent this could be mitigated
- a local assessment on environmental impacts alone not being good enough, a study with a much wider scope being necessary and whether Arun should be open to the idea of other Authorities coming into this study with us rather than it being led by others as it was considered Arun was the Authority to suffer the largest impacts
- the need to submit a holding objection and await the findings of the Local Impact Report

The Group Head of Planning confirmed that he would formulate a response in consultation with the Chair and Vice-Chair which would be submitted before the end of the consultation period and that the report would be amended based upon this debate.

The recommendations were then proposed and seconded.

The Committee

RESOLVED to

1. Agree the contents of the response to the consultation.
2. Note that a Supplementary Estimate would be needed to commission a Local Impact Report to be prepared to be submitted to the Secretary of State.

239. FP/136/21/PL - BEACHCROFT HOTEL, CLYDE ROAD, FELPHAM PO22 7AH

2 Public Speakers

Roy Gibbs – Objector

Jackie Nelmes – Objector

Re-modelling of existing swimming pool with re-clad elevations and private roof terrace over. This site is in CIL Zone 4 (Zero Rated) as other development.

The Planning Team Leader presented his report. This was followed by 2 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including the overlooking impact being worse than the images in the Officer's report and presentation suggested, it was over-impinging on existing residents and whether the pool would be for the use of guests only or available for events.

The Planning Team Leader provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

240. AW/228/20/RES - REAR OF 34, 36, 38, 40 & 44 CARLTON AVENUE, ALDWICK, BOGNOR REGIS PO21 3LR

1 Public Speaker

Cllr Mrs Jan Rufey – Aldwick Parish Council

Approval of reserved matters following outline consent AW/130/18/OUT (layout, scale, landscape & appearance) for the erection of 8 No. dwellings with access between 34 & 36 Carlton Avenue.

Planning Committee - 8.09.21

The Planning Team Leader presented his report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where the issue of road widths on the site being too narrow was raised.

The Planning Team Leader provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

241. AL/20/21/PL - LAND AT WINGS NURSERY, LIDSEY ROAD, WOODGATE PO20 3SU

Public Speaker

Stephen Underwood – Applicant

Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.

The Planning Team Leader presented his report with updates. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where concern was raised that Section 106 money was being withdrawn from the application as County Highways had not detailed how the money would be spent.

The Planning Team Leader and Group Head of Planning provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the Planning Committee delegate to the Group Head of Planning authority to:

- a) Authorise the execution and completion of the Section 106 Agreement
- b) Grant planning permission subject to conditions and the Section 106 Agreement

242. EP/16/21/PL - LAND EAST OF 1 THE WAY, EAST PRESTON BN16 1QJ

[Councillor Bower redeclared at the beginning of this item his Personal Interest made at the start of the meeting.]

Replacement garage. This site is in CIL Zone 4 (Zero Rated) as other development.

The Planning Team Leader presented his report.

Members then took part in a full debate on the application where the need for a site visit was discussed and justified due to the differences between what was on the ground and how this was presented in the planning documentation.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

243. AL/66/21/PL - LAND REAR (SOUTH) OF SUNDOWN, LITTLEHEATH RD, ALDINGBOURNE BN18 0SR

1 No. 4 bedroom detached dwelling with a detached 3 bay garage (2 open bays and 1 enclosed), associated foul field drain, storm soakaway, new front boundary treatment, roof mounted PV & Ground Source Heat Pump System (resubmission following AL/62/19/PL). This site is in CIL Zone 3 and is CIL liable as new dwelling.

The Planning Team Leader presented his report with updates.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed and a further 4 week period to allow for more information to be submitted on the trees on the site and which conditions will apply to these.

244. AB/48/21/PL - LAND ADJ TO WOODS WAY HOUSE, 3 TORTON HILL ROAD, ARUNDEL BN16 9HF

1 Public Speaker

Don Ashman – Applicant

Construction of 1 No. three bedroom dwelling & associated works. This site is in CIL Zone 2 & is CIL liable as new dwelling.

Planning Committee - 8.09.21

The Planning Team Leader presented his report. This was followed by 1 Public Speaker.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

245. EP/57/21/PL - LAND REAR OF BEECHLANDS COTTAGES, BEECHLANDS CLOSE, EAST PRESTON BN16 1JT

1 Public Speaker

Dawn Appleton – Agent

Demolition of existing buildings and erection of 2 No. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats. This site is in CIL Zone 4 and is CIL liable as dwellings.

The Group Head of Planning presented the report. This was followed by 1 Public Speaker.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

246. APPEALS

The Committee noted the Appeals list.

(The meeting concluded at 4.10 pm)

PLANNING APPLICATION REPORT

REF NO:	A/26/21/RES
LOCATION:	Land west of Brook Lane and South of A259 Angmering BN16 3JL
PROPOSAL:	Approval of reserved matters following outline consent A/44/17/OUT for appearance, landscaping, layout & scale for the demolition of existing buildings on site & erection of a mixed use development comprising of 90 No. residential dwellings & a care home & ancillary facilities including railway crossing together with associated access, car parking & landscaping. This application also lies within the parishes of Rustington & Littlehampton.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is an application for the approval of reserved matters in respect of external appearance, landscaping, layout, open space and scale at the above site pursuant to outline planning permission allowed at appeal under reference A/44/17/OUT. A/83/18/RES granted approval for the access.

The proposed development seeks to deliver 90 no. residential dwellings as part of this reserved matters application. The proposed dwellings comprise of a mixture of dwelling types (flats and houses) spread out across the site. A summary of the housing mix is set out below:

- 1 Bed Flat: 10 no. dwellings (11% of the total provision);
 - 2 Bed Flat: 14 no. dwellings (16% of the total provision);
 - 2 Bed House: 28 no. dwellings (31% of the total provision);
 - 3 Bed House: 37 no. dwellings (41% of the total provision);
- and
- 4 Bed House: 1 no dwelling (1% of the total provision).

The proposed development will provide 31% affordable housing on-site and this provision of affordable housing is in compliance with Schedule 1 of the Section 106 Agreement secured under the outline planning permission. The affordable housing tenure is broken down into 79% Affordable dwellings (22 units) and 21% Intermediate dwellings (6 units), providing a range of dwelling types between 1 bed 2 person flats and 3 bed 5 person houses.

Based on 90 no. dwellings, 6,336m² of POS and 1,089m² of play space is to be provided within the proposal. There are 3 areas of Local Area of Play (LAP) and 1 large Locally

Equipped Area of Play (LEAP).

The 72 bed care home includes three types of accommodation, namely residential clusters, resident shared spaces and support accommodation over three levels totalling 4,533 sqm in area (GEA), with a main central living or activity space on each floor. It is also proposed to have an additional lounge and recreation space for residents. Support accommodation is primarily on the ground floor, with stores, sluices and nurses stations distributed around the home. The care home entrance faces south onto the car park serving it.

SITE AREA	Approx 5.9 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 27.5 dwellings per hectare.
TOPOGRAPHY	The topography of the site is predominantly flat but is set at a lower level than the A259 to the north.
TREES	The site, due to its largely undeveloped nature, features a number of mature trees and hedgerows.
BOUNDARY TREATMENT	The site boundaries consists predominantly of mature trees and hedgerows.
SITE CHARACTERISTICS	<p>The site is situated to the south of the A259 and to the west of Brook Lane. It is accessed directly from the A259 and falls within both Angmering Parish as well as Littlehampton, with the proposed railway bridge providing direct access to Rustington (situated to the south of the site).</p> <p>The site is largely undeveloped and has historically been used as grazing land. The site currently features a detached dwelling and an old stables which was the subject of a personal planning approval for the siting of two caravans for use by travellers.</p>
CHARACTER OF LOCALITY	The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land immediate to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail Park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/83/18/RES	Approval of reserved matters following outline approval A/44/17/OUT for access only for the demolition of existing buildings on site & the erection of a mixed use development comprising up to 90 No. residential units & a care home (Use Class C2 & C3) & ancillary facilities, including railway crossing, together with associated	ApproveConditionally 04-10-18
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access, car parking & landscaping. This application also lies within the parishes of Littlehampton & Rustington.

A/44/17/OUT Outline application (with all matters reserved) for Refused
demolition of existing buildings on site and the erection of 29-08-17
a mixed use development comprising up to 90No.
residential units and a care home (Use Class C2 and C3)
& ancillary facilities, including railway crossing, together
with associated access, car parking & landscaping.
Departure from the Development Plan. This application
also falls within the parishes of Littlehampton &
Rustington.

**Appeal: Allowed+Conditions
05-04-18**

Planning application A/44/17/OUT granted outline permission (with all matters reserved) for the erection of a mixed use development comprising of up to 90 No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping.

A/44/17/OUT was recommended for approval but was refused by the Development Control Committee on the 29th August 2017 due to the sites unsustainable location and proximity of the development to the railway line. The subsequent appeal was allowed on the 5th April 2018.

REPRESENTATIONS

Angmering Parish Council - Objection

- Concerns over the absence of a Travel Plan (Condition 11 of the Appeal). A safe route for pedestrians must be provided from this site to the proposed development immediately to the east and to the other retail units etc. between this site and Mill Lane. The proposal should include an agreement to upgrade Penfold Lane from the new bridge over the railway to the B2187. The Lane is in a poor state of repair, insecure with no surveillance or lighting and generally unfit for purpose.
- Due to the proximity of the railway and the A259 it is expected that the Care Home should have safeguarding measures in place to protect residents with dementia inadvertently leaving the home unaccompanied.

Rustington Parish Council - Objection

- Concern that, in the absence of a Travel Plan (Condition 11 of the successful Appeal), the requirement of a safe route for pedestrians and cyclists to bus services, schools and shops has not been satisfactorily defined.
- The construction of a bridge over the railway for pedestrian/cyclist use is welcomed but there is the need to emphasise that the use of Penfold Lane (Footpath No. 2159) in any plan is not suitable. The Lane is in a very poor state of repair.
- Concern Penfold Lane is used by a large number of vehicles, to access its Allotment Site at the northern end, on a daily basis. With no specifically determined pedestrian path along the Lane, it would be impossible to protect pedestrians. Penfold Lane should not be considered suitable for use as the pedestrian access route from the railway bridge to the schools, bus services and shops, until measures have been imposed for it to be brought up to the standard necessary to address all of the above concerns.

15 Objections

- How can you sandwich a care home between an extremely busy road and a rail line?
- Where is the infrastructure to cope with this - schools, dentists, Drs etc.
- How will they access the dual carriageway?
- Object to every available space being used for new builds.
- Damaging to wildlife as Buzzards etc nesting there.
- Area has many trees that would require felling.
- There is already a huge care home being built next to the rugby club in Angmering.
- It is a Green Open space area that is home to birds and other Important wildlife in between increasing amounts of built up area in Rustington.
- The continued infilling of any available space in Arun continues to spoil the area and add to the increased amount of traffic around the village and the A259.
- The extra traffic on the A259 is a serious concern.
- Noise and pollution from the A259 and the railway makes it a very unhealthy place to live.
- This surrounding area is already built on a flood risk site.
- The size and scale of this development is entirely unsuitable.
- Penfold Lane is entirely unsuitable for mixed-use as it combines access to the Penfold Lane allotments. The S106 highlights a sum of £28,000 to be provisioned to resurface part of the PROW north and south of the railway line. It is not clear in the plans where the footbridge will come out (in Penfold Lane or the adjacent Industrial/Commercial estate) and where pedestrians will access their onward route. Penfold lane is too narrow for both cars and pedestrians.
- Pedestrian traffic exiting the footbridge, may have access to the greenspace area of the Parklands estate, placing additional usage. There is a residential charge paid annually by those residents for the upkeep of this area.
- Concern about the trees at the footbridge southside exit, are they mature trees and will these be removed?
- This development is too dense.
- Insufficient visitor parking.
- Additional footfall would also increase the likleyhood of crime, litter and anti-social behaviour and would negatively affect the lives of those living near Penfold Lane.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish concerns in respect of the suitability of Penfold Lane to access as a pedestrian route for residents and the submission of a Travel Plan are not relevant to consideration of this reserved matters application which does not include the principle of the development or travel plan details. The use of Penfold Lane was accepted by the appeal Inspector at outline stage and submission of a Travel Plan is covered by condition 11 and any subsequent DOC.

Comments in respect of access, amount of development, loss of wildlife, impact on infrastructure have all been considered by the appeal Inspector and relate to the principle of the development not the matters to be considered as part of this proposal.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex Fire Services - No Objection

Request condition for the requirement of additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting.

Public Rights of Way Officer - No Objection

Railway Bridge - Welcome a grade separated crossing over the railway and note the developer will be working with Network Rail on this. As this bridge connects Footpath 2159 north and south of the railway line we will also need to be involved in the discussions over the design of the bridge to ensure it is suitable for lawful pedestrian users.

Whilst cycles are allowed on the section of Public Right of Way FP2159 that is being urbanised into a road, from the point where the developer proposes to install bollards to prevent vehicular use, we would need to approve the design and position of the bollards.

County Highways - No Objection

- 2 vehicle tracking plans and a parking and cycling schedule have been provided. The proposed layout could be served by refuse vehicle and fire tender.

- Satisfactory details have now been provided on the existing footway/cycleway through the site and how cyclists will rejoin the carriageway/enter the cycle route and the measures which would restrict motor vehicles utilising the southern section, but details of bollards for the western section are still required.

Network Rail - No Objection

The proposed layout of the development is in conflict with Network Rail's Asset Protection informatives. As a result, we request that the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team as soon as possible.

Landscape Officer - No objection. The detail provided for play provision in LAP and LEAP and soft landscape planting details is now sufficient.

Drainage Engineer - Request further information

No details of the proposals for surface water drainage have been presented with this reserved matters application. It can be seen that a "new basin" is proposed in part of the site. We would however highlight that our records indicate that there is already a pond in this location.

It is unclear whether there is adequate space for surface water drainage within the proposed layout. Drainage and layout must be considered concurrently. We would therefore request that further surface water drainage information is submitted prior to determination of this application to ensure that the development can adequately drain.

Prior to determination please can the applicant submit:

- a drainage strategy drawing;
- high level calculations; and
- a buffer plan showing at least 3m easement between top of bank of ordinary watercourses and structures/ proposed trees that will limit access for maintenance.

Southern Water - No Objection

Our investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Highways England - No Objection

Archaeologist - No Objection

The archaeological evaluation of this site and any subsequent mitigation measures will be secured via the archaeology condition (no. 6) imposed on permission A/44/17/OUT.

Natural England - No Comment

Environment Agency - No Objection.

Crime Officer - No Objection,

Affordable Housing Officer - No Objection.

Ecology Officer - Objection

With the outline permission we requested that a Construction and Environmental Management Plan be submitted with the Reserved Matter application, which would detail how the mitigation as proposed within the preliminary ecological appraisal and subsequent species surveys accompanying the outline application, was to be incorporated within the development and in particular the landscaping plan. With the documents accompanying this application for reserved matters, there does not appear to be a CEMP report.

Economic Development - No further comment. Would like to see an Employment and Skills Plan in place for the development and are happy to work with developers to put in place and assist with achieving targets in such a plan.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The conditions proposed by the Council's Drainage Engineers, were covered by Conditions 7 and 8 of appeal decision APP/C3810/W/17/3185128 which required that prior to occupation surface water drainage works shall be implemented in accordance with details to be submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system.

The comments of the fire officer relate to the layout of the site which is being considered within this application. It is therefore appropriate to impose the condition as requested.

The agent considered the original consultation response provided by the LPA's Greenspace officer in respect of the planting schedule and quantities of planting and revised landscaping information has been submitted (drawing no. 176-SCH-001_P3) to confirm the actual plant quantities and the associated Planting Plans detail the proposed planting mix in the locations of soft landscaping proposed.

The request from the ecologist was included as a condition 13 in the decision and would be the subject of a separate DOC application.

The comments made by the economic development officer cannot be addressed at this stage and would have been part of the outline proposal considerations. They do not specifically relate to the reserved matters.

The agent has considered the original consultation response provided by the County Highways Officer in respect of pedestrian and cycle access and the details now submitted are satisfactory. A condition relating to bollard provision details to the south and western access points has been included in the recommendation. It should be noted that the original appeal documents in respect of the proposed connectivity of the site referred to pedestrian/cycle access being provided via the continuation of the existing 3m wide shared footway/cycleway adjacent to the A259 Manor Retail Park and included a new pedestrian and cycle bridge over the railway which is part of an existing public right of way.

POLICY CONTEXT

Designation applicable to site:
 Within the Built Up Area Boundary
 Right of Way
 Biodiversity Opportunity Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

<u>Angmering Neighbourhood Plan 2014 POLICY HD3</u>	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports

Facilities

POLICY COMMENTARY

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies within Angmering and Littlehampton Neighbourhood Plans have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse impact upon the established character of the surrounding area.

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The proposed application relates to appearance, landscaping, layout and scale which benefits from outline permission (with all matters reserved) under reference A/44/17/OUT. The extant outline approval establishes the principle of the development and as such the key considerations in the determination of this application will concern the design and impact of the proposed development in terms of the layout, design and scale of the dwellings and the associated landscaping.

LAYOUT, APPEARANCE AND SCALE:

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site/surrounding area taking account of scale, massing, aspect, siting, layout, density, building materials, landscaping and design features. The policy requires the scale of development keep in the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. ALP policy LAN

DM1 requires that new development repair or reinforce the character of the landscape. There are several policies within Angmering Neighbourhood Plan relating to the provision of housing; HD3 Housing Mix, HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design, HD7 Housing Density, HD8 Parking for New Developments and HD9 Phasing of Residential Development.

The western end of the Site falls within the area covered by the Littlehampton Neighbourhood Plan. There are no site specific allocations for the Site, however a number of more general themes and overarching objectives are considered to be relevant. Policy 22 (Design of New Development) sets out proposals should demonstrate proposed developments accommodate forecasted requirements for parking and that roads incorporated into developments are sufficiently wide to support movements for various forms of vehicles.

Paragraph 126 of the NPPF July 2021 refers to the creation of high quality, beautiful and sustainable buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 suggests decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character, establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being.

ALP policy AH SP2 states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes. This application goes beyond the policy requirement and proposes all dwellings be affordable therefore there is no clustering.

The National Design Guide (NDG) has weight as a material consideration in the determination of this application. This states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The applicant provided a written response to the National Design Guide with the Design Response document.

The Arun Design Guide is a material consideration in determining applications. The Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure that development relates sensitively to its setting and addresses the edges of the site in a positive way. It states this is particularly important to development which is adjacent to the settlement particularly where there are open fields. The site density has been set by the Outline permission which allowed up to 70 homes but at 27.5 dwellings per hectare, is only slightly above the density within the Design Guide and the overall density of the site is lower than some of the surrounding developments.

The layout is appropriate to the characteristics of the site and will function well in accordance with para 130 of the NPPF. The amended submission has been assessed and resolves the concerns identified such that the definitive footpath is accurately plotted and the Greenspace Officer's comments are addressed. Visitor car parking is also now better spread though the development and rights for cyclists improved and provision considered in line with guidance. Further thought has also been given to the potential for the units to the north of the LAP open space plots 38-43 to front onto the area, rather than rear/side elevations and the possibility of combining this LAP area with that to the east to allow some

adjustment to plot orientation. The agent was also asked to alter the position of some of the units to the west of these units. The layouts and orientations of residential dwelling Plots 38-43, situated to the south of the central LAP have been amended so the dwellings front onto the LAP to afford an element of natural surveillance. The layout of the visitor parking provision has been amended to position 4 no. visitor car parking spaces between the two main concentrations at the east and west of the scheme so to contribute towards a more even distribution across the site. County Highways requests seeking further details of how rights for cyclists would be achieved have been addressed. The layout has been amended to the northern boundary around PRow Footpath 2160.

The design and form of the dwellings reflects the surrounding residential developments and ensures there is an element of uniformity and consistent vernacular treatment in the area. The main commonality amongst nearby developments is in the material palette and scale of dwellings. There is a consistent two-storey, pitched roof language amongst most of the developments, with slate or fibre-cement tiled roofs. The prevailing external wall material is red brick, in differing hues, with the inclusion of timber element to accent certain elements.

The clusters/groupings of dwellings is a mix of detached, semi-detached and short terraces, with private defensible space to the road frontage and private gardens to the rear. The proposed appearance of the dwellings reflects this. The palette will feature anthracite grey roof tiles, red brick, stained timber cladding with grey to frames for the windows and doors. The dwelling form and massing has also been informed by surrounding developments. The precise details of the generic materials reference on the elevation plans is conditioned.

The care home acts as a gateway to the development, with its massing serving to transition from the public areas into the more private housing development. The height of the care home is 3 storeys, but given its limited site coverage the extent of higher development proposed is acceptable and is in accordance with the outline permission. On accessing the site via the improved junction at Brook Lane, the access road winds through a well-landscaped setting before arriving at the care home which acts as the entrance to the development and provides a statement building.

The housing layout itself is largely defined by the retained PRow that divides the site and provides a series of public space/landscaped nodes throughout the development. Dwellings generally face onto this public route, encouraging a sense of community and promoting interaction.

The scale of development is solely two storey with no roof development. Future roof development would not be inappropriate in the development given the buffer planting around the site and distance to the site boundaries protecting views into the site. It is not necessary to impose a condition removing permitting development rights for roof development. Dwellings and materials are acceptable and are consistent with nearby schemes.

There is a simple pallet proposed for the boundaries treatment around the site. Within the rear gardens of private residential dwellings, away from the public view, timber fencing has been proposed. In areas that are on public view, such as rear and side gardens, a combination of hedging and brick walls are proposed.

For safety purposes, estate railing and hedging is used around the care home facility. Fencing has also been proposed around the LEAP to ensure safety to the play area. As the site is bounded by the railway line to the south and A259 to the north, acoustic fencing has been proposed for noise screening to the residential properties along the northern and southern boundaries.

The layout, appearance and scale are in accordance with ALP policies D DM1, D SP1 & AH SP2, the NPPF, the National Design Guide and the Arun Design Guide and Angmering Neighbourhood Plan

Policy HD4, Policy HD5 and Policy HD6.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. Policy HWB SP1 seeks to ensure development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. This is more important in the current climate with nationally imposed lockdowns and the increase in home working.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The S.106 agreement agreed with A/44/18/OUT set out a requirement for the provision of public open space (POS) to include a LEAP and a LAP. The scheme proposes 6,336m² of POS and 1,089m² of play space.

The proposal is therefore acceptable in respect of ALP policies OSR DM1 and HWB SP1.

LANDSCAPING & TREES:

ALP policy LAN DM1 states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas." In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping.

There are no TPO or ancient trees in the site. The majority of trees and hedges to boundaries will be retained and enhanced with further planting as set out on the landscaping plans. The existing trees provide an additional landscape buffer to the north, clearly separating the site from the A259. In addition to visual screening, the buffer also offers some acoustic benefit which will be enhanced further by the acoustic treatment as set out in the proposals.

The site is more open to the south, though the existing tree screen will grow and become more established in years ahead. The existing tree line and hedgerow that runs north-south towards the west of the site also defines a further water course that is to be retained. The tree line provides a definitive edge to the development area, with the land to the west accommodating an existing pond which forms part of the site drainage strategy as established in the outline consent.

The existing routes and boundaries around and across the site benefit from the existing tree lines and hedgerows. Within the site these features define a series of smaller parcels of land which are largely open, with no established planting and features.

The scheme features a wildlife corridor, wetland attenuation ponds, retained existing significant trees and hedgerows. The scheme proposes new trees and comprehensive detailed landscape planting to maintain and enhance biodiversity as well as the screening along the site boundaries. Dedicated public spaces (including a LEAP and 3No LAPs) provide a variety of external meeting environments.

The proposed landscaping is therefore considered to be of a high quality and in accordance with Arun Local Plan Policies D SP1, D DM1 and ENV DM4 and Angmering Neighbourhood Plan Policy HD5.

OTHER MATTERS:

(A) Housing Mix

The mix of house types across the site reflects the Local Policy requirements for a minimum 30% affordable housing. The unit sizes and types are distributed across the whole site. This meets the requirements of the outline consent and associated s106 documentation.

ALP policy H DM1 provides for a mix of housing to meet local needs and requires that all housing development provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.

(B) Residential Amenity

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The Council has an adopted Design Guide which sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either side to side or front to back.

The layout has been checked and all interface distances between dwellings in the site meet these standards or are very close to them. The Design Guide provides guidance and allows for flexibility.

All relationships between proposed & existing and between proposed dwellings are acceptable and ensure a high standard of amenity for existing and future users. The scheme accords with ALP policies D DM1, QE SP1, with the Design Guide and with the guidance in the NPPF on amenity.

Condition 12 of appeal decision APP/C3810/W/17/3185128 requires the submission of details of appropriate measures to mitigate the impact of road noise upon sensitive residential receptors. Therefore, it is considered that adequate measures are already in place to avoid any unacceptably adverse harm to residential amenity.

(C) Parking, Roads and Public Footpaths

Access into the site is via a single access junction from the A259 (approved under A/83/18/RES) which forms a main street which splits into two. From these main streets are the secondary access roads, shared surface parking areas and landscaped amenity areas. The development site benefits from 5m road widths throughout, providing sufficient width for delivery vehicle or refuse collection vehicle to safely pass a car. Turning heads are provided for refuse vehicles to turn within the development site.

WSCC Highways had concerns with the cycleway provision and the position of visitor parking within the layout but following receipt of substitute plans their comments have been satisfactorily addressed.

The application includes a parking schedule which complies with Arun District Council Parking Standards Supplementary Planning Document, January 2020. The application site falls within Appendix 2, Parking Behaviour Zone, Brookfield and Angmering - Zone 2. The proposal is for a total of 90 resident spaces

and 18 visitor spaces.

Arun Parking Standards SPD sets out a requirement for cycle storage provision and this requires 1 & 2 bed homes have 1 space each whilst 3+ bed houses have 2 spaces. The cycle storage provided accords with these standards.

The proposal accords with ALP policies T SP1 & T DM1 and the Arun Parking Standards SPD.

(D) Waste Management

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

WSCC Highways have no objections to the ability of refuse vehicles to access and leave the site in a forward gear. There is no highway safety issue with the collection of refuse. The application states bins will be stored in gardens and bins will be brought to frontages on collection day. The proposal complies with policy WM DM1

(E) Surface Water Drainage

ALP Policy W DM3 states development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

Whilst Engineers do not object, it is clear that the layout may not facilitate adequate surface water drainage. As drainage is not a reserved matter (it is to be agreed by a separate condition discharge - condition 7), if it is clear at a later stage that the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. This reserved matters application can be determined without support of drainage engineers and it is not necessary to demonstrate compliance with policy W DM3 at this time.

(F) Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. The agent has provided confirmed compliance with the standards.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The layout has been assessed and the majority of the garden depths are 10.5m or more. This is acceptable as the Design Guidance does not set out a policy requirement and instead allows for a flexible approach. The shortfall is not so great as to justify a permitted development right restriction for rear extension/outbuildings on these plots.

On this basis the scheme provides a good standard of amenity for future occupiers.

(G) Climate Change

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable.

The application doesn't include details of sustainability/renewable energy measures and there were no relevant conditions imposed at outline stage. Therefore they can't be considered as part of this proposal in respect of reserved matters.

SUMMARY

This report demonstrates there are no materially harmful concerns with the reserved matters scheme and the application is in accordance with the development plan.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the S.106 Agreement attached to the Outline planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved drawings:

3670-BRK-SRA-XX-XX-DR-A-04-010 Rev P04 Proposed Site Plan
 3670-BRK-SRA-XX-XX-DR-A-04-011 Rev P03 Proposed Site Levels
 3670-BRK-SRA-XX-XX-DR-A-04-015 Rev P03 Block Plan
 3670-BRK-SRA-XX-XX-DR-A-04-020 Rev P05 Housing Plan
 3670-BRK-SRA-XX-XX-DR-A-04-030 Rev P04 Tenure Plan
 3670-BRK-SRA-XX-XX-DR-A-04-040 Rev P04 Housing Types
 3670-BRK-SRA-XX-XX-DR-A-04-050 Rev P02 Parking Types
 3670-BRK-SRA-XX-XX-DR-A-04-025 Rev P04 Site Plan Floor Layouts
 3670-BRK-SRA-XX-XX-DR-A-04-081 Rev P02 Existing Site Section CC & DD
 3670-BRK-SRA-XX-XX-DR-A-04-083 Rev P02 Existing Site Section GG & HH
 3670-BRK-SRA-XX-XX-DR-A-04-084 Rev P02 Existing Site Section JJ
 3670-BRK-SRA-XX-XX-DR-A-04-090 Rev P03 Ancillary Building
 3670-BRK-SRA-XX-XX-DR-A-04-100 Rev P03 Care Home Site Plan
 3670-BRK-SRA-XX-XX-DR-A-04-150 Rev P04 Care Home Ground Floor
 3670-BRK-SRA-XX-XX-DR-A-04-160 Rev P04 Care Home South West Elevation
 SRARUST(BROOKLN).1/02 Rev A Proposed Site Layout
 176_801_P3 Illustrative Landscape Masterplan
 176-001_P3 Landscape Plan (Location Plan for Landscape Plans)
 176-002_P3 Landscape Plan
 176-003_P3 Landscape Plan
 176-004_P3 Landscape Plan
 176-005_P3 Landscape Plan
 176-006_P3 Landscape Plan
 176-007_P3 Landscape Plan
 176-201_P3 Planting Plan
 176-202_P3 Planting Plan
 176-203_P3 Planting Plan
 176-204_P3 Planting Plan
 176-205_P3 Planting Plan
 176-206_P3 Planting Plan
 176-401_P3 Tree Pit Details in Soft Landscape
 176-402_P3 Tree Pit Details in Hard Landscape
 176-403_P3 Bow Top Railing with Matching Gate Detail
 176-404_P3 Estate Railing Detail
 176-405_P3 Timber Fencing Detail
 176-406_P3 Tree Protective Fencing Detail
 176-SCH-001_P3 Planting Schedule
 3670-BRK-SRA-XX-XX-DR-A-04-005 Rev P03 Existing Site Plan
 3670-BRK-SRA-XX-XX-DR-A-04-060 Rev P01 Existing Site Section AA
 3670-BRK-SRA-XX-XX-DR-A-04-061 Rev P01 Existing Site Section CC & DD
 3670-BRK-SRA-XX-XX-DR-A-04-062 Rev P01 Existing Site Section EE
 3670-BRK-SRA-XX-XX-DR-A-04-063 Rev P01 Existing Site Section GG and HH
 3670-BRK-SRA-XX-XX-DR-A-04-064 Rev P01 Existing Site Section JJ
 3670-BRK-SRA-XX-XX-DR-A-04-080 Rev P01 Site Section AA
 3670-BRK-SRA-XX-XX-DR-A-04-082 Rev P01 Site Section EE
 3670-BRK-SRA-XX-XX-DR-A-04-151 Rev P02 Care Home First Floor
 3670-BRK-SRA-XX-XX-DR-A-04-152 Rev P03 Care Home Second Floor
 3670-BRK-SRA-XX-XX-DR-A-04-153 Rev P03 Care Home Roof Plan
 3670-BRK-SRA-XX-XX-DR-A-04-161 Rev P03 Care Home North West Elevation

3670-BRK-SRA-XX-XX-DR-A-04-162 Rev P03 Care Home North East Elevation
3670-BRK-SRA-XX-XX-DR-A-04-163 Rev P03 Care Home South East Elevation
3670-BRK-SRA-XX-XX-DR-A-04-200 Rev P02 Plots 1-2 Plans
3670-BRK-SRA-XX-XX-DR-A-04-205 Rev P02 Plots 3-6 Plans
3670-BRK-SRA-XX-XX-DR-A-04-206 Rev P02 Plots 3-6 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-210 Rev P02 Plots 7-8 Plans
3670-BRK-SRA-XX-XX-DR-A-04-215 Rev P02 Plots 9-12 Plans
3670-BRK-SRA-XX-XX-DR-A-04-216 Rev P02 Plots 9-12 Roof Plan
3670-BRK-SRA-XX-XX-DR-A-04-220 Rev P02 Plots 13-16 Plans
3670-BRK-SRA-XX-XX-DR-A-04-221 Rev P02 Plots 13-16 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-225 Rev P02 Plots 17-20 Plans
3670-BRK-SRA-XX-XX-DR-A-04-226 Rev P02 Plots 21 Plans
3670-BRK-SRA-XX-XX-DR-A-04-230 Rev P02 Plots 17-20 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-235 Rev P02 Plots 22-23-24 Plans
3670-BRK-SRA-XX-XX-DR-A-04-240 Rev P02 Plots 25 Plans
3670-BRK-SRA-XX-XX-DR-A-04-245 Rev P02 Plots 26-32 Plans
3670-BRK-SRA-XX-XX-DR-A-04-250 Rev P02 Plots 27-30 Plans
3670-BRK-SRA-XX-XX-DR-A-04-251 Rev P02 Plots 27-30 Roof Plan
3670-BRK-SRA-XX-XX-DR-A-04-255 Rev P02 Plots 31-68 Plans
3670-BRK-SRA-XX-XX-DR-A-04-260 Rev P02 Plots 33-34 Plans
3670-BRK-SRA-XX-XX-DR-A-04-265 Rev P02 Plots 35-36-37 Plans
3670-BRK-SRA-XX-XX-DR-A-04-270 Rev P02 Plots 38-39 Plans
3670-BRK-SRA-XX-XX-DR-A-04-275 Rev P02 Plots 40-43-60-61-77-78-87-88 Plans
3670-BRK-SRA-XX-XX-DR-A-04-280 Rev P02 Plots 44-47 Plans
3670-BRK-SRA-XX-XX-DR-A-04-285 Rev P02 Plots 48-51 Plans
3670-BRK-SRA-XX-XX-DR-A-04-286 Rev P02 Plots 48-51 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-290 Rev P02 Plots 52-55-56-59 Plans
3670-BRK-SRA-XX-XX-DR-A-04-291 Rev P02 Plots 52-55-56-59 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-295 Rev P02 Plots 62-67-69-76 Plans
3670-BRK-SRA-XX-XX-DR-A-04-300 Rev P02 Plots 79-86 Plans
3670-BRK-SRA-XX-XX-DR-A-04-305 Rev P02 Plots 89 Plans
3670-BRK-SRA-XX-XX-DR-A-04-310 Rev P02 Plots 90 Plans
3670-BRK-SRA-XX-XX-DR-A-05-200 Rev P02 Plots 1-2 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-205 Rev P02 Plots 3-6 Elevations
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3670-BRK-SRA-XX-XX-DR-A-05-215 Rev P02 Plots 9-12 Elevations 2-1
3670-BRK-SRA-XX-XX-DR-A-05-216 Rev P02 Plots 9-12 Elevations 2-2
3670-BRK-SRA-XX-XX-DR-A-05-220 Rev P02 Plots 13-16 Elevations 1-2
3670-BRK-SRA-XX-XX-DR-A-05-221 Rev P02 Plots 13-16 Elevations 2-2
3670-BRK-SRA-XX-XX-DR-A-05-225 Rev P02 Plots 17-20 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-230 Rev P02 Plots 21 Elevations
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3670-BRK-SRA-XX-XX-DR-A-05-250 Rev P02 Plots 27-30 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-255 Rev P02 Plots 31-68 Elevations
3670-BRK-SRA-XX-XX-DR-A-04-230 Rev P02 Plots 21 Plans
3670-BRK-SRA-XX-XX-DR-A-04-235 Rev P02 Plots 22-23-24 Plans
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3670-BRK-SRA-XX-XX-DR-A-04-250 Rev P02 Plots 27-30 Plans
3670-BRK-SRA-XX-XX-DR-A-05-255 Rev P02 Plots 31-68 Elevations

3670-BRK-SRA-XX-XX-DR-A-05-260 Rev P02 Plots 33-34 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-265 Rev P02 Plots 35-36-37 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-270 Rev P02 Plots 38-39 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-275 Rev P02 Plots 40-43-60-61-77-78-87-88 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-280 Rev P02 Plots 44-47 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-290 Rev P02 Plots 52-55-56-59 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-295 Rev P02 Plots 62-67-69-76 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-300 Rev P02 Plots 79-86 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-301 Rev P02 Plots 79-86 Gable Elevations
3670-BRK-SRA-XX-XX-DR-A-05-305 Rev P02 Plots 89 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-310 Rev P02 Plots 90 Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 2 No development above damp proof course (DPC) level shall take place until a statement of architectural detail has been submitted to and been approved in writing by the Local Planning Authority. The 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The 'statement of details' so approved shall be used in the construction of the buildings.

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

- 3 Notwithstanding the provisions of Class A, A.1, (g) within 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 rear extensions to the dwelling houses shall be erected within the curtilage of the dwellings hereby permitted unless planning permission is first granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun Local Plan.

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

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 5 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings indicated on the approved elevation plans have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 6 Prior to occupation of the dwellings fire hydrants shall be installed in compliance with details showing the proposed location of the required fire hydrants which shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

The hydrants will be installed at the developer's expense in a phased programme and connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 7 Prior to occupation of the dwellings bollards shall be installed to the west and southern pedestrian/cycle access points in compliance with details showing the proposed location and design of the bollards which shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Highways and Public Rights of Way.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan.

- 8 **INFORMATIVE:** Any change to the legal line is subject to an application by the developer to Arun District Council to divert it via a Public Path Order (PPO) under Section 257 of the Town & Country Planning Act 1990 before works start. The WSCC PROW Team will be a formal consultee as part of this diversion Order application process and its prior agreement to a specification will be required before lending formal support to any diversion proposal.

A temporary closure of FP2160 will be necessary during development. Any temporary closure application for FP160 cannot be granted if development is planned over the current legal line as recorded on the Definitive Map unless the diversion has been legally confirmed first.

Development affecting the currently recorded legal lines of the footpaths must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

Neither Footpath 2159 or 2160 must be blocked, restricted, obstructed by vehicles, plant, scaffolding, the storage of materials, be made difficult to pass over or along or be unavailable at any stage to lawful path users without Temporary Closure Orders (TTRO) being applied for and approved. There is a cost associated with this, a 6 - 8 week lead time and advice on the process can be sought from WSCC's PROW Team. Please note that should closures be requested, the County Council will expect an alternative provision for members of the public to pass safely through the site given its size and location within the Rights of Way network.

Any damage to the footpaths needs to be rectified to the same or better standard than it was prior to any damage done during the development activity, to a specification agreed by West Sussex County Council as the Highway authority. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

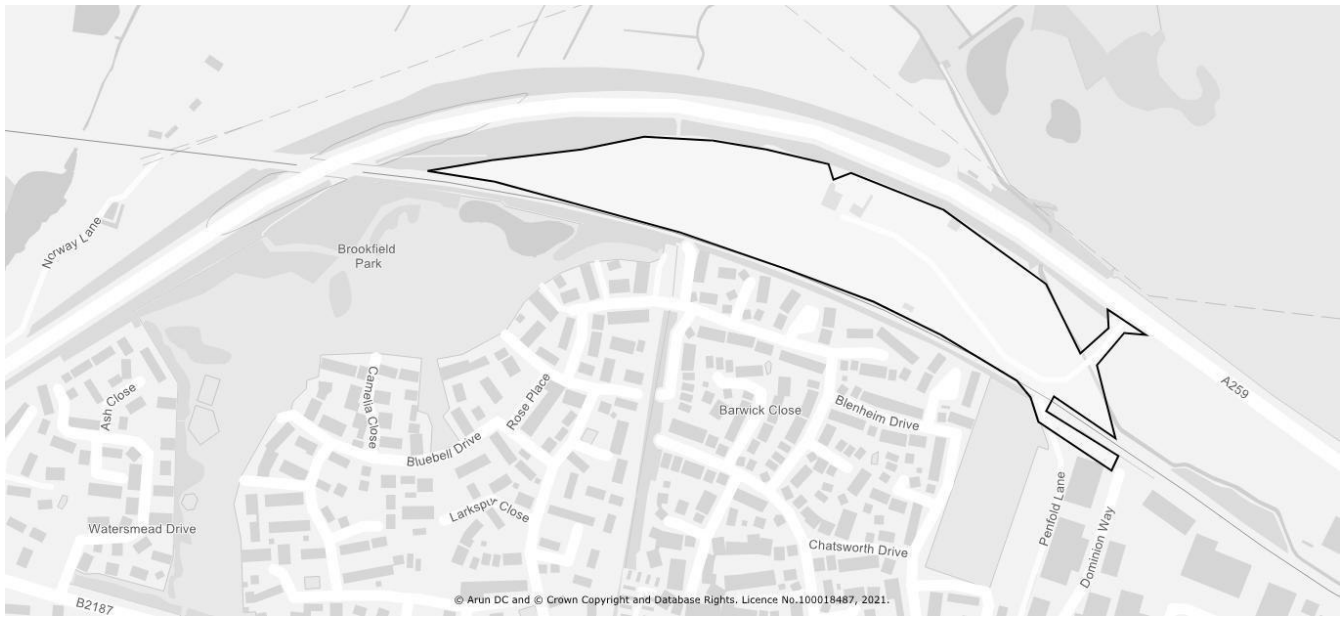
Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

- 9 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

A/26/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BN/18/21/RES

LOCATION: GTR land east of Fontwell Avenue
Arundel Road
Arundel
BN18 0SB

PROPOSAL: 5000 sq m of light industrial floor space (ClassB1 (b)/(c) following grant of outline planning permission WA/22/15/OUT (resubmission following BN/57/19/RES). This site is in CIL Zone 1 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks approval of reserved matters following the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on the 13th July 2017.

Reserved matters approval is sought in regards to the appearance, landscaping, layout and scale of the light industrial (Class B1(b)/(c)) element of the outline approval. The application does not related to the residential, retail, community or public open space elements of the development.

This application is a resubmission following the approval of the previous application under reference BN/57/19/RES.

SITE AREA Approximately 1.48 hectares.

TOPOGRAPHY The land falls in a south-westerly direction from 30m above ordnance datum (AOD) in the north-eastern corner to 24m AOD in the south-western corner.

TREES The north-western corner of the site features a number of trees consisting of Sycamore (x22), Field Maple (x6), Holly (x2), Holm Oak (x1), Hawthorn (x7), Elderberry (x4), Ash (x3), Monterey Pine (x1), Scots Pine (x1) and Corsican Pine (x5) trees. There is also an individual Corsican Pine tree located towards the centre of the site. These trees are the subject of a Tree Preservation Order (TPO/EG/1/14).

Most of the trees are proposed to be retained and incorporated in the development. Some would be lost to facilitate safe vehicular access to the site from Arundel Road, as approved at the outline stage.

BOUNDARY TREATMENT The western and northern boundaries of the site are characterised by well established trees and vegetation. There is a hedgerow adjacent to the first residential property on the south side of Arundel Road. The eastern boundary continues southward across an open field, but it is not defined by any

physical feature on the ground. Similarly, the southern boundary crosses an open field and is not defined by any physical feature on the ground.

SITE CHARACTERISTICS

The site lies to the east of the Fontwell Park racecourse, Travelodge and Fontwell Avenue, to the south of the A27 Fontwell Services and Arundel Road, to the west of Fontwell village and to the north of fields that have been allocated for housing development and is the subject of both outline (WA/22/15/OUT) as well as Reserved Matters approval (WA/48/19/RES) for 400 dwellings.

CHARACTER OF LOCALITY

To the north of the site lies the A27 Fontwell Services and Arundel Road. The service area includes fast food restaurants, a motel and a petrol filling station with a small supermarket. To the east lies Fontwell village. There are currently open fields to the south, which are being developed for housing. To the west lies Fontwell Park racecourse, Fontwell Park Travelodge and a public house/restaurant, all on the opposite side of Fontwell Avenue.

The South Downs National Park (SDNP) is located to the north, beyond Fontwell Services, on the other side of the A27. The Sussex coast lies approximately 7.24km (4.5 miles) to the south.

RELEVANT SITE HISTORY

BN/57/19/RES	Approval of reserved matters for 3785sqm of light industrial floorspace (Class B1 (b)/(c)) following the grant of WA/22/15/OUT.	ApproveConditionally 14-10-20
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WA/48/19/RES	Approval for Reserved Matters following outline permission WA/22/15/OUT comprising 400 new homes (incl. affordable), 360sqm of retail space (A1 to A3), 152sqm of community space (D1 to D2 & including retention & refurbishment of 12sqm 'old smithy'), demolition of remaining buildings to Arundel Road along with public open space, LEAP, MUGA, allotments, car & cycle parking, drainage & associated works - This site also lies within the parish of Barnham & Eastergate.	ApproveConditionally 11-12-20
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WA/1/19/PL	Variation of condition 24 following the grant of WA/22/15/OUT (APP/C3810/V/16/3143095) to read 'No more than 150 units hereby permitted shall be occupied for more than two years lapse from the date of first occupation of the development (whichever is sooner) until the completion of the improvements to the A/27/A29 Fontwell Roundabout shown on Drawing Number 1186-	ApproveConditionally 10-04-19
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05 REV A - Proposed Roundabout Improvements'. This application also lies within the parish of Eastergate.

WA/22/15/OUT	Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.	Called In by DCLG/SD 20-01-16
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Appeal: Allowed+Conditions
13-07-17

WA/22/15/OUT - Outline planning permission was granted by the Secretary of State subject to a S106 agreement and 27 conditions.

Condition 1 required details of the layout, scale, appearance and landscaping (the reserved matters) to be submitted to and approved in writing by the local planning authority before any development begins and the development to be carried out as approved. These details, as they relate to the light industrial (Class B1(b)/(c)) element of the development, are the subject of this application. Access was considered previously as part of the outline application and was approved by the Secretary of State.

BN/57/19/RES - Reserved matters approval was granted on the 14th October 2020 for 3,785sqm of light industrial floor space.

REPRESENTATIONS

Barnham Parish Council

Whilst the committee is not making a formal objection they would like to reiterate the comments made previously as follows;

1. The aesthetics and design of the building which they feel is too high and not at all an attractive design even for an industrial unit and hope that something can be done to improve this aspect of the application.
2. The Committee need to receive categoric assurances that the use of chemicals within the factory setting will not be able to find its way into the local water supply.

There are concerns over the proposed lighting scheme due to the presence of bats in this location.

Walberton Parish Council - Objection

The design and access statement refer to, alternately, an eaves height of 8.5m (para 3) and 7.5m (para 3.6). The height shown on plan (WM/688/P11 - there does not appear to be a plan for Block B) identifies a roof height of 9.45m with a 4 roof pitch. The distinction between the eaves height which is not identified on the plans and the total height of the roof is negligible.

There is therefore a lack of clarity over the heights to be considered and conflict between the documents. In the opinion of the Parish Council the building, immediately adjacent to the existing and future residential properties, despite the gentle fall of the land is too high and not in keeping with the local area.

1 No. letter of objection:

Which repeats the concerns raised by Walberton Parish Council.

COMMENTS ON REPRESENTATIONS RECEIVED:

No comments.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECOLOGY: Although the landscaping and planting plan has been provided, there does not appear to be an Ecological Impact Appraisal or extended Phase 1 Habitat Survey submitted with this application. If this information was provided for a previous application, provided the information is still up-to-date it needs to be resubmitted with this application so the impact of the proposals on protected species can be assessed.

ENVIRONMENTAL HEALTH: No comments.

ECONOMIC DEVELOPMENT: GTR are a long established Arun company with an enviable international reputation for their innovation and the work they do. They provide high numbers of quality jobs to local people and businesses such as GTR and others of a similar nature have an important part to play in the future of the district's economy.

The recently adopted Arun Economic Strategy aims to provide jobs locally and to support growing businesses that are already located within the District. This application supports those aims.

Economic development fully supported the previous application and out support for this application remains.

WSCC HIGHWAYS: No objection raised subject to conditions concerning car parking, electric vehicle charging and cycle parking.

NATURAL ENGLAND: No comments.

WSCC FIRE AND RESCUE: Condition recommended for the provision of additional fire hydrant(s) for the proposed development. This is to ensure that the new light industrial units comply with the requirements of approved document B, Volume 2, 2019 edition: B5 Section 16.

SOUTHERN WATER: Southern Water have requested the inclusion of a condition requiring that occupation of the development is phased and implemented to align with the delivery of any sewerage network reinforcement required.

GREENSPACE: Recommended approval of hard and soft landscaping details contained within this application following the grant of outline planning permission WA/22/15/OUT.

ENGINEERS (DRAINAGE): The application documents include detailed surface water drainage layout plans, please ensure that if this reserved matters application is approved that these plans are not included on any approval.

We have no objections to this reserved matters application. Surface water drainage details must be submitted under a separate discharge of conditions (DOC) application. Given the proximity of the development to the Portsmouth Water abstraction point, it is likely that we will need to carefully review the proposed surface water drainage proposals in consultations with the EA and Portsmouth Water.

At DOC we will need to see surface water drainage pipes labelled with fall and construction details will be required. Full details of our requirements for discharging surface water drainage conditions can be found in our checklist on our website.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Policy H SP2c Fontwell (SD6) Strategic Allocation
 Built-up Area Boundary
 Sharp Sand and Gravels Minerals Safeguarding Area (MSA)
 Lidsey Waste Water Treatment Works Catchment Area

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

- DDM1 D DM1 Aspects of form and design quality
- DSP1 D SP1 Design
- ECCSP2 ECC SP2 Energy and climate change mitigation
- ENVDM4 ENV DM4 Protection of trees
- LANDM1 LAN DM1 Protection of landscape character
- QEDM2 QE DM2 Light pollution
- QESP1 QE SP1 Quality of the Environment
- SDSP1A SD SP1a Strategic Approach
- TDM1 T DM1 Sustainable Travel and Public Rights of Way
- WDM3 W DM3 Sustainable Urban Drainage Systems

[Barnham & Eastergate Neighbourhood Plan 2014](#) Support for new commercial uses

[POLICY EE3](#)

Barnham & Eastergate Neighbourhood Plan 2014 Trees and hedgerows
 POLICY ES10

Barnham & Eastergate Neighbourhood Plan 2014 Quality of design
 POLICY ES5

Barnham & Eastergate Neighbourhood Plan 2014 Parking and new development
 POLICY GA4

PLANNING POLICY GUIDANCE:

- NPPDG National Design Guide
- NPPF National Planning Policy Framework
- NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

- SPD11 Arun Parking Standards 2020
- SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the site forms part of a strategic housing and employment allocation within the built-up area boundary.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
 - (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The principle of the proposed development has been established by virtue of the outline approval granted under reference WA/22/15/OUT by the Secretary of State on the 13th July 2017 following an appeal. The outline permission allowed for the construction of 5,000 sqm of light industrial floorspace (B1 (b)/(c)) which is the total amount of floor space proposed by this application.

A previous reserved matters application for 3,785sqm of light industrial floorspace (Class B1 (b)/(c)) was approved by the Council on the 14th October 2020 under reference BN/57/19/RES. This application seeks to revise the previously approved details through the amendment of the design and scale of the units and an increase in the total light industrial floor area of approximately 1,215sqm.

LAYOUT

The previous reserved matters application (BN/57/19/RES) proposed the construction of two no.

buildings a larger L-shaped structure sited towards the northern boundary of the site with a smaller square structure situated towards the southern end of the site. Hard surfacing was proposed around the two buildings with a linear car park along the eastern boundary of the site with a further two parking areas located in the north-western and south-western corners of the site.

Through this application the parking arrangements remain largely unchanged whilst the hard standing is re-orientated with the lorry turning area previously proposed to the west of the structures removed. The two buildings remain in similar positions to those previously approved but the northern structure is proposed to be a U-shaped building (building A) features a first floor mezzanine and basement with a combined internal floor area of approximately 3,530m². The southernmost building (building B) will be rectangular in shape and will again feature a mezzanine floor resulting in an internal floor area of approximately 1,445m².

The built form is orientated primarily towards the eastern portion of the site with a large area of amenity lawn proposed to the west of the proposed buildings. Enhanced planting is proposed along the eastern, southern and western boundaries of the site with ornamental planting proposed around the proposed parking and buildings. Cycle parking is proposed as part of the north-western parking area in close proximity to the building with each of the three parking areas containing electric vehicle charging bays.

Similarly, to the previously approved scheme the pedestrian/cycle link between the employment use and neighbouring residential development that was shown on the illustrative masterplan has not been carried forward. This was previously accepted by the Council on the basis that it compromised security and site safety and it was deemed that the proposed pedestrian and cycle link onto Arundel Road was sited within 60m of the proposed site access ensuring adequate sustainable links from the residential development and proposed employment use.

APPEARANCE

Policy D DM1 of the Arun Local Plan 2011-2031 requires proposals to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area". Similarly, policies ES5 and ES6 of the Barnham & Eastergate Neighbourhood Development Plan require all new development to be of a high-quality design and to make a positive contribution to the character of the area.

The National Design Guide states that well-designed places contribute to local distinctiveness by:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

The Arun District Design Guide SPD C also contains guidance on building design. Section J.01 deals with form and character. Its overall objective is to "respect the existing landscape and townscape by creating buildings with a form and character that reflects and enhances the distinctive architectural qualities of the surrounding area".

The previously approved details for the industrial units proposed two buildings clad largely in multi-stock bricks which included plum and purple hues with a medium grey coloured insulated panel system above. The proposed window and door frames were proposed to be in the same medium grey colour. The roof of the previously approved buildings featured anthracite grey coloured panels. The previous proposals appeared similar in appearance to any number of industrial estates and similar developments.

The proposed scheme has been amended from that previously proposed not only in terms of the total floor area and shape of the building but also in terms of its elevational details. The revised building A incorporates significant glazing on the northern, western and southern elevations. Whilst, the eastern elevation of the building will feature windows and glazing towards the northern elevation of the building but will primarily consist of grey cladding. The northern elevation features an asymmetrical canopy which provides some visual interest on the primary entrance to the building with this feature being incorporated as part of building B to provide additional design features between the two buildings. Building B is far simpler in design featuring windows with the elevations consisting primarily of grey cladding.

Concerns have been raised by Walberton and Barnham Parish Council's in regards to the design of the proposed buildings and their detrimental impact upon the established character of the locality. However, in this case it is considered that the proposed buildings are an enhancement beyond those previously approved by the Authority. Additional, visual interest has been added to the elevations whilst the extensive glazing for Building A helps to reduce the sense of bulk and mass of the structure despite its greater floor area.

It is also considered that the proposed glazing reflects the extensive glazing present on the grandstand at Fontwell racecourse to the west of the application site better reflecting the wider context of the site. The proposed design of Building B is far simpler and will be sited behind Building A when entering the site from Arundel Road. This simplified design will result in a structure that appears subservient to the primary industrial unit and as such is deemed to be acceptable.

The proposed buildings are intended to be clad in light and dark grey which is considered to be acceptable and will reflect the materials that were previously deemed acceptable by the Council in the determination of BN/57/19/RES.

Therefore, it is considered that the proposed development accords with policy D DM1 of the Arun Local Plan and ES5 and ES6 of the Barnham and Eastergate Neighbourhood Plan.

SCALE

Policy D DM1 (14) of the Arun Local Plan 2011-2031 states: "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".

The buildings as previously approved measured between 7.55m and 10.58m in height by virtue of the varied topography of the site. The revised design will increase this to between 9.55m and 12.48m in height. Concerns were raised by the Parish Council's in regards to the height of the building's previously approved under reference BN/57/19/RES and these concerns have been reiterated in regards to the revised proposals. However, in this case the scale of the development is acceptable by virtue of the developments location with similar scale of buildings present at Fontwell Racecourse to the west and the apartment buildings on the adjacent housing. The site is also well screened by mature trees with further boundary planting proposed and as such this will further limit the presence of the development within the street scene. As such it is considered that the proposals will accord with Policy D DM1 (14).

LANDSCAPING

Condition 8 imposed on the outline planning permission (WA/22/15/OUT) states: "The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details."

As with the previous application the scheme is accompanied by a landscape management plan which includes objectives and management and maintenance details as required by Condition 8 of planning approval WA/22/15/OUT.

The landscaping arrangements around the boundaries of the site and around the parking areas remains largely unchanged from those previously approved under reference BN/57/19/RES. The area of the site where landscaping will be changed is between the two buildings with the area of hardstanding located to the west of the buildings through the previously reserved matters application located to the east as part of these proposals. Therefore, the landscaping has been relocated further to the west and is incorporated as part of the amenity lawn.

Through the determination of the previous reserved matters application (BN/57/19/RES) it was identified that there would be an encroachment of Building B into the root protection area (RPA) of an English Oak. However, it was identified that the buildings size was dictated by its use and as such could not be reduced whilst it could not be located further to the south due to the need to provide vehicular access. As a result of this encroachment it was identified as unlikely that the tree would reach full maturity but it was concluded that with a cyclical regime of minor pruning the tree could be retained as one that is prominent and of character. It was also identified that oak trees could be planted within the site to the east of the attenuation basin and that these trees would reach maturity without pruning.

The incursion within the RPA of the English Oak remains with this revised proposal and is identified through the Arboricultural Method Statement (AMS) with measures identified to minimise impacts of construction upon the tree. The Landscaping proposals also incorporate the three no. Oak Trees as was previously approved.

PARKING

The scheme includes 116 car parking spaces, 21 of which feature electric vehicle (EV) charging and 5 of which are wheelchair accessible spaces (2 of which feature EV charging). A total of 36 cycle spaces are provided in cycle shelters next to the north-western car park closest to the main entrance.

West Sussex County Council as Local Highway Authority (LHA) have been consulted and advised that the total number of EV charging points has reduced by 5 from the previously approved scheme and recommended that this is checked against the Arun Parking Standards SPD (January 2020).

The Arun Parking Standards SPD identifies through table 2.2 that 20% of all parking spaces should be provided with active EV charging points. Therefore, on the basis of the 116 parking spaces proposed through this application this would equate to a need for 23 EV charging spaces. Originally, the proposal had underprovided by a total of 2 EV charging points but a revised plan has been submitted showing a total of 23 no. charging points in accordance with the requirements of the Arun Parking Standards SPD.

The Arun Parking Standards SPD under table 4.1 that for development falling within use class B1 a parking space should be provided for every 30sqm of floor space. In this case the development proposed is 5,000 sqm in area and as such this would generate a parking demand of 166 spaces which would generate a need for 32 EV charging points. Therefore, the development as proposed under provides by a total of 50 car parking spaces. Paragraph 4.1 of the Arun Parking Standards SPD states that the requirements contained within table 4.1 should be used as a guide and the total provision should be informed by site specific assessment.

A written statement has been submitted in support of the application concerning the proposed parking provision at the site. This statement identifies that GTR only intend to employ a maximum of 100 specialist employees on site and that the level of parking proposed in conjunction with the sustainable travel measures means that the number of spaces will be more than adequate to meet the needs

generated by the occupiers. It is also identified that approximately 1,000 sqm of floor space will be given over to storage associated with the use and as such the remaining floor area would generate a demand for 133 spaces resulting in a shortfall of 17 spaces.

It should be noted that this is not a personal permission and as such parking provision should be appropriate to meet the needs of this occupier or any future occupier of the site. However, in this case the parking provision as proposed allows for the delivery of a landscape scheme that makes a positive contribution to the character of the site as well as providing a significant area of amenity lawn to the west of the building. It should also be noted that the site is deemed to be located within a sustainable location with access to local bus services within 250m of the site and Barnham train station located 2.5 miles away. Therefore, in this case it is considered that the parking provision as proposed, whilst falling short of the requirements identified through the Arun District Council Parking SPD is adequate to address the needs of the use as proposed.

It is also considered that were an alternative occupier to take up use of the site, sufficient land remains available to allow for the expansion of parking provision on the site without adversely impacting upon the landscape or character of the site or wider locality.

DECENTRALISED ENERGY

Condition 22 of the outline planning permission (WA/22/15/OUT) requires at least 10% of the energy supply of the development to be secured from decentralised and renewable or low-carbon energy sources. The condition requires that this information is provided in support of any reserved matters application.

The roof plans (drawing no's WM/688/23 and WM/688/P14) show a total of 692 solar panels (412 on Unit A and 280 on Unit B). The application has been accompanied by a Decentralised Energy Statement which identifies that the site will have an estimated electrical requirement of 500kva (kilo-volt-ampere). The statement goes on to identify that the proposed 692 solar panels would generate approximately 276.8kW which would equate to approximately 69.2% of the energy demands of the business (assuming a power factor of 80%).

Therefore, the proposed development would accord with the requirements of Condition 22.

ECOLOGY

Condition 17 of the outline planning permission deals with the submission and approval of a detailed ecological enhancement scheme. An Ecological Mitigation and Enhancement Scheme, dated February 2020, was considered and approved under application WA/25/20/DOC. The scheme takes account of the presence of protected species, mentioned in the representations above.

Condition 20(d) of the outline planning permission requires details of all lighting fitments within the commercial area of the development to be submitted to and approved in writing by the local planning authority prior to construction. The potential impact on bats will be taken into consideration when assessing the application to discharge that condition.

The Council's Ecologist had raised concerns in regards to the absence of an Ecological Impact Assessment and extended Phase 1 habitat survey. However, as identified above details pertaining to ecology were previously approved through the discharge of condition 17 under reference WA/25/20/DOC.

These documents have been considered by the Council's ecological consultant who has confirmed that subject to Ecological Mitigation and Enhancement Scheme being implemented in its entirety then no objection would be raised in regards to the proposals. Therefore, in line with the details previously

approved the revised layout is deemed to be acceptable and accord with relevant development plan policies.

TRAFFIC GENERATION

This application is for reserve matters and as such the traffic generation associated with the development hereby proposed was the subject of full consideration through the determination of the original outline application (WA/22/15/OUT). Therefore, traffic and the impact of this upon the operation of the highways network is not a matter for consideration through the determination of this reserved matters application.

NOISE

Condition 21 of the outline planning permission requires a scheme to be submitted to and approved in writing by the local planning authority for the control of noise emanating from the commercial area of the development, prior to the commencement of the commercial part of the development.

SUMMARY

The proposed development will see an increase in the light industrial floor space provision on site, which remains in line with the 5,000 sqm originally allowed at outline stage. The proposal has been considered and the scale, appearance, layout and landscaping of the development is deemed to be acceptable and an enhancement beyond the scheme previously permitted. A shortfall in parking provision has been identified but in this case it is considered that given the sites sustainable location and intended operation that the shortfall in parking is acceptable in this case. Therefore, it is recommended that the reserved matters application is approved subject to the below conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan - WM/688/125
- Block Plan - WM/688/P500 - Rev 4

- Hard & Soft Landscape General Arrangements - LLD1773-LAN-DDWG-100 Rev 11
- Detailed Planting Plan Infrastructure Planting - LLD1773-LAN-DWG-200 Rev 08
- Detailed Planting Plan Ornamental Planting - LLD1773-LAN-DWG-202 Rev 05
- Detailed Planting Plan Ornamental Planting - LLD1773-LAN-DWG-201 Rev 06
- Detailed Plant Schedule and Specification - LLD1773-LAN-SCH-001 Rev 08
- Landscape Management Plan - LLD1773-LAN-REP-001 Rev 00

- Unit A Roof Plan - WM/688/P14
- Unit A Elevations - WM/688/P12 Rev 1
- Unit A Plan and Section - WM/688/P11 Rev 1
- Unit B Roof Plan - WM/688/23
- Unit B Elevations - WM/688/P22
- Unit B Floor Plans and Section - WM/688/P21
- Street Scene (North) - WM/688/SS

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

2 Prior to any construction works taking place, details showing the proposed location of 1 No. fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. No industrial building shall be occupied unless and until the approved hydrant or storage facility has been installed and connected to a water supply that is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: In the interests of safety and amenity and in accordance with policy INF SP1 of the Arun Local Plan 2011-2031.

3 No part of the light industrial development shall be first occupied until the car parking provision and electric vehicle charging points have been constructed in accordance with the approved block plan (WM/688/P500 - Rev 4). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policies D DM1 and T SP1 of the Arun Local Plan 2011-2031.

4 No part of the light industrial development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan 2011-2031.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

BN/18/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/90/21/HH

LOCATION: 1 Sea Drive
Ferring
BN12 5HD

PROPOSAL: Erection of addition of second floor, part single, part two storey extension and wrap around terrace

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application proposes the retention of the existing footprint of the building. Demolition of the front sunroom will be carried out and an infill single storey extension is proposed in the south eastern corner of the property. The property will undergo extensive external changes.

The existing roof structure/first floor of the property will be removed and new first and second floor structures added to the retained ground floor. A proposed third storey will be added.

The resultant appearance/materials of the building will be modern. Wrap around balconies/terraces will be added to the first and second floors affording views to the east and partial views to the south. The scheme has been amended to delete a terrace on the west side of the property.

RELEVANT SITE HISTORY

FG/198/16/PL	Demolition of existing house with erection of 2 storey building comprising of 8 No. residential 2 bedroom flats & associated external works	ApproveConditionally 31-08-17
FG/88/11/	Single storey extension	ApproveConditionally 07-09-11
FG/12/05/	New pitched roof dormer window to existing en-suite bathroom	ApproveConditionally 23-03-05

REPRESENTATIONS

Ferring Parish Council:

Objection due to overdevelopment, overlooking and overshadowing of the neighbouring property. Additionally it has an unacceptable impact on the strategic gap.

14 letters of objection (including Ferring Conservation Group)

- Loss of privacy from overlooking on the neighbours.
- Overdevelopment with an overbearing impact on the neighbourhood.
- Out of keeping and detrimental impact on the street scene and character of the area.
- Proposal clearly not subservient to the existing dwelling and change whole concept of the existing dwelling. Contrary to policy D DM4 of the Arun Local Plan.
- Materials will be out of keeping.
- Plans incorrectly drawn and notice has not been served on the neighbour.
- Agents statement rebutting objections submitted is incorrect and was prepared by an ex Arun District Council planning employee.

5 of these objections were received following amendments to the proposal.

Officer response - There is sufficient information by way of plans and photographs to determine this application. At the time of making this application the applicants were not the rightful owners of the property. Notice was served on now previous owners. The site is claimed to be wholly in the ownership of the applicant.

1 letter of support

The agent has submitted a 4 page statement addressing the objections made above. A full copy of the statement is contained in the Council's web site under this application reference.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS**INTRODUCTION**

The application proposes the retention of the existing footprint of the building. Demolition of the front sunroom will be carried out and an infill single storey extension is proposed in the south eastern corner of the property. The property will undergo extensive external changes. The existing roof structure/first floor of the property will be removed and new first and second floor structures added to the retained ground floor. A proposed third storey will be added. As a result, this application has been submitted as a House Holder (HH) application and not a PL prefix application which would have been the case where a complete demolition and replacement dwelling had been proposed.

The application property is a substantial detached 2 storey chalet bungalow with a front elevation width of 19.5 metres on Sea Drive and a side elevation width facing onto Sea Lane of 12 metres. The property has a two storey gable end element adjacent to 3 Sea Drive, there are rooms accommodated within the roof as a first floor level of accommodation. There are ground floor extensions to the front and sides of the property.

It is set within a large plot with gardens to the side & rear. An in and out driveway provides 2 accesses onto Sea Drive which is a private road. The property occupies a very prominent position on a corner plot at the junction of Sea Drive and Sea Lane, a local connecting route leading from Ferring to the beachfront.

The immediate locality is a residential area within 50 metres of the beachfront. The site is within the built up area boundary next but not in the strategic gap between Ferring and Goring.

The character of the area is of a mix of dwelling types including 2 storey detached houses and apartment blocks. The property opposite, 1- 9 Sea Drive (Blue Waters), is a substantial 2 storey flatted development. It is noted however that there are no three storey properties in the immediate locality.

SITE HISTORY

Planning permission was granted in August 2017 (reference FG/198/16/PL) for the demolition of the existing house and replacement with the erection of a 2 storey building comprising 8 no. 2 bedroom flats & associated external works. The approved appearance of that building was contemporary as proposed in this case and therefore needs to be given considerable weight when considering the merits of the proposed scheme.

Since the time of that decision, the Council has adopted the Local Plan (2018). This contained detailed policies on design within the development plan. It has also adopted a Design Guide (2021). There have also been changes that relate to design in the NPPF (2021) and a National Design Guide has been published.

PRINCIPLE

In this case, the key policies are D SP1, D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 1A of the Ferring Neighbourhood Development Plan applies.

Policy D SP1 requires that all development makes efficient use of land and reflect the characteristics of the site and local area.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1A of the Ferring Neighbourhood Development Plan states that 'Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.'

Further guidance from the Arun Design Guide (ADG) and the National Planning Policy Framework (NPPF) is relevant and referred to below.

DESIGN/VISUAL AMENITY

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments are expected to complement the existing character and appearance of host buildings and respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials. Part M of the guide (Household extensions) states that extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing, materials, openings and roof form.

Paragraph 130 of the NPPF states that decisions should ensure that development adds to the overall quality of the area, is visually attractive and sympathetic to the local character. Para 134 states that development that is not well designed should be refused. However, it does also state that significant weight should be give to development that reflects local design policies and /or outstanding or innovative designs that promote high levels of sustainability or help to raise the standard of design.

The proposal will not result in the overall height of the existing property being increased. The proposed third storey will be kept within the existing maximum height of the host dwelling. However, it is acknowledged that the mass of the third storey is significantly greater than the existing dwelling that has a pitched roof down to ground floor on the front and rear elevations.

Similarly the footprint of the existing dwelling will not be exceeded by the works proposed and indeed the front elevation will be reduced in depth by the demolition of the sunroom.

Development plan policies require that proposals reflect local character. The appearance of neighbouring properties in the area is mixed where all of the dwellings are 1.5 and 2 storey. In this regard the proposal differs in that it will result in a dwelling three storeys high. However, there are mitigating factors that make this acceptable and not a reason, on its own, to refuse the application.

The mitigating factors are one that the total height of the resultant dwelling will not exceed that of the

existing dwelling and secondly the second floor is significantly set in from its south, north and east elevations. Taking these factors into account, whilst the modernisation/scale of works proposed will alter the appearance of the existing dwelling and introduce a larger dwelling, it will not be to an extent that it will appear so prominent when viewed from surrounding points so as to warrant a refusal on these grounds.

The contemporary design would accord with the general character of the area which is mixed in character and the proposed property will largely resemble in appearance that opposite known as Blue Waters, a two storey development of flats.

The extension and balconies proposed appear well integrated and sympathetic in design to the host dwelling. This is through the fact that the extension is single storey and its appearance mirrors all the other changes to the host property. The balconies complement the modern design and reflect balconies found in other neighbouring properties.

However, it needs to be recognised that the changes will transform the appearance of the existing dwelling and conflict with policy D DM4 (a) & (b) where development is expected to be visually integrated with the existing building. Due to the significant change in appearance proposed, the proposed works are not visually subservient to the existing dwelling and in conflict with D DM4 (a) & (b). However, given the siting described above the development sits comfortably within the size of the plot, which is large and does not appear as an overdevelopment on site.

The proposal is therefore not considered to result in an unacceptable adverse appearance on the street scene, or result in a harmful impact upon the host dwelling in accordance with policies D SP1 and D DM1 of the Arun Local Plan, policy 1A of the Ferring Neighbourhood Plan and relevant advice in the Arun Design Guidance and NPPF.

RESIDENTIAL AMENITY

A wrap around terrace around east and south elevations is proposed. There will be no issues of unacceptable overlooking to the east and south as views here will be to the road where the host property already enjoys views from windows in the roof space.

The rear elevation of the property has the potential to overlook the side and rear garden of the neighbouring property to the north 108 Sea Lane. The Arun Design Guide (ADG) has advice about protecting the amenities of occupants and neighbours in terms of privacy.

Figure 150 of the ADG advises a back to back distance between neighbouring dwellings of 21 metres. The distance between the proposed rear of the site and the side and rear garden of 108 Sea Lane is 27 metres which is sufficient to prevent any loss of privacy from overlooking.

CONCLUSION

In taking the above into account the proposal will result in a degree of harm but this is not substantial. Permission is therefore recommended subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- 2048/S/00A - Site Location Plan.
- 2048/PL/001A - Site plan.
- 2048/PL/010A - Proposed Site Elevations.
- 2148/PL/01 - Ground Floor plan.
- 2148/PL/02A - First Floor plan.
- 2148/PL/03A - Second Floor plan.
- 2148/PL/05A - Front & Rear Elevations.
- 2148/PL/06A - Side Elevations.

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

- 3 Construction hours on site shall only be between 08:00 hours and 18:00 hours Monday to Friday, between 09:00 hours and 13:00 hours Saturday and at no time on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity in accordance with Arun Local Plan policies QE SP1 and

QE DM1.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FG/90/21/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/114/21/HH

LOCATION: 23 South Drive
Ferring
BN12 5QU

PROPOSAL: Extensions and internal and external remodelling of existing dwelling to create a 4no. bedroom dwelling with double garage including single storey rear extension, replacement and reformation of roof to create second floor accommodation with rear balcony, associated landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks extensive alterations to the property to form a 4no. bedroom dwelling with double garage including single storey rear extension, replacement and reformation of roof to create second floor accommodation with rear balcony, associated landscaping.

Further information was sought from the agent to demonstrate that this application was not a demolition of existing dwelling and replacement with a new one. The plans submitted show that sections of the existing dwelling will be retained and so the application can be considered to be a householder.

RELEVANT SITE HISTORY

FG/160/08/	Demolition of existing house and the erection of a replacement 4 bedroom dwelling with garaging and parking, re-use of existing access.	ApproveConditionally 27-01-09
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REPRESENTATIONS

Ferring Parish Council object to the application.

- It is out of character and fails to respect the style and character of the area.
- The design features are significant.
- Comparison with developments in Kingston is irrelevant.
- The property falls within an Area of Special Character and the design would undermine this.
- Second floor windows and balcony would impact the visual harmony.
- The development creates a high level viewing platform which will deprive properties of privacy.

4 letters of support.

- It does not increase in size and modernisation will enhance the street scene.

- It sits on a big plot and it does not increase the height.
- There is another cubed flat roof property on the road.
- Progress is a good thing.
- The general footprint is not changing and it will not impact the current housing line on South Drive.

10 letters of objection.

- The development represents a further erosion of seaside living.
- The third layer will overlook properties and be overbearing.
- If approved, it would change the overall street scene in a negative way.
- The change to the roof will produce a dominant structure that is out of character with the area.
- Changing the property will dwarf the neighbouring properties.
- It is not characteristic of Ferring Village style- mainly bungalow and chalets.
- It would increase noise and parking in the area.
- Wrong to destroy a building less than 12 years old.
- Wildlife will suffer.
- Overdevelopment of the site.

Ferring Conservation Group provided an objection.

- Overdevelopment of the site.
- Out of character with the immediate area and Ferring as a whole.
- There is one other 3 storey house although smaller than what is proposed.
- Examples contained in the Design and Access statement in Kingston are of no relevance to the character of Ferring.
- It does not comply with the National Planning Policy Framework (NPPF) as mentioned.
- Conserve the seafront as an Area of Special Character.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

DEVELOPMENT PLAN POLICIES

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 and D DM4 of the Arun Local Plan which require that development respects local character, neighbouring residential amenity and where extensions/remodelling proposed it is visually integrated with the existing dwelling. In addition, attention to the guidance contained in Arun's Design Guide (ADG) is required.

Ferring has a made Neighbourhood Plan with policy 1A of relevance to the application. This states an application within the built up area boundary will be supported provided it accords with relevant policies.

DESIGN AND VISUAL AMENITY

The proposal seeks extensive changes to the property. The existing dwelling features a two storey property with a pitched roof and a rear balcony and the proposal would predominantly result in a dwelling of a contemporary appearance of three storey with flat roofs.

The principal elevation of the dwelling is situated approximately 22m behind the front boundary. As a result, the dwelling would not appear unduly dominant being well set back from the street scene. Whilst

an additional level will be constructed, the proposed dwelling would not be taller than the existing dwelling at a height approximately 8.8m which is comparable to others within the street scene.

In terms of the overall scale and massing, it will remain largely the same and broadly consistent with development in the locality. The proposed dwelling would not extend further north or sit any closer to the boundaries of the neighbouring properties to the east and west. There will however be a rear extension to the ground floor and balcony above and the addition of the third storey with an additional balcony.

Due to the significant change in appearance proposed, the proposed works are not visually subservient to the existing dwelling and in conflict with D DM4 (b). However, given the siting described above the development sits comfortably within the size of the plot, which is large and does not appear as an overdevelopment on site.

There have been concerns raised about the design of the dwelling and whether this is in character with the area. The design is contemporary in appearance featuring flat roofs and whilst the style of dwelling is not common, the design is not uncharacteristic of other development in the area with a similar example at No.11 which features a flat roof design. Whilst the design is less prevalent in the immediate locality, there is no uniform design in the area and does not appear as a stand alone alien feature.

In addition, the materials will consist of render and cedar cladding decorative panels to the external elevations, with grey window frames, frameless balustrades and with similar materials present within the locality, it will not adversely impact the street scene.

Arun recently adopted the Arun Design Guide with Section M relevant to householder extensions. 'It states 'Extensions of over 50% of existing floorspace are unlikely to be considered acceptable'. The proposal should also respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing, materials, openings and roof form. The proposal complies with the Design Guide in that the extensions to the rear are less than 50%. The scale and massing is also appropriate due to the size of the plot.

The Ferring Neighbourhood Plan includes a statement referencing Areas of Character in the Parish which emerged during the preparation of the Plan. Although this is not expressed as a development plan policy in the plan it is a view of local community aspirations for the Parish. This specifically refers to an Area of Character (AOC) which runs along Ferring Beach and Pattersons Walk and would include the site of the proposed dwelling. Nevertheless, this AOC is not designated and therefore the site is not located within an Area of Character.

A double garage is also proposed which is located around 4m at its narrowest point from the front boundary. The garage will extend along the eastern boundary. It will have a flat roof and a modest height at 2.45m. There are other garages within the locality which are located towards the front of the site and the siting is not considered out of character. It will utilise an existing access.

The proposal, whilst resulting in a property of contemporary design is not considered to be adversely out of character or have an unacceptable impact upon the street scene and wider area. It is therefore seen as in accordance with policy D DM1 of the Arun Local Plan and the Arun Design Guide. It is acknowledged however that the proposal conflicts with policy D DM4 (b) of the Arun Local Plan.

RESIDENTIAL AMENITY

Whilst the proposal seeks a significant change to the appearance of the dwelling, the development is not considered to result in adverse overbearing or overshadowing. The overall footprint, height and scale will remain largely the same as the existing property and the overall height and the separation between the side boundaries will be retained.

A rear ground floor extension will be constructed which runs along half of the rear wall of the dwelling. This will have a depth of 4m. As a result of the siting of the dwelling, located slightly further north than neighbouring dwellings, the addition does not result in adverse impacts.

The first floor above is currently staggered in depth, as such part of the first floor to the western side will be extended in depth by 2m to meet with the eastern elevation. The first floor will then open onto an extended balcony which is located above the proposed ground floor addition. It is noted a balcony is already in existence to this elevation, although it increases in size.

The 1st floor alteration and balcony is not considered to result in adverse overbearing or overlooking, with the neighbour to the west (25) situated further south. As such, their principle elevation runs in line with the rear of the host dwelling and therefore available views are of the side elevation of the property, the same as which is currently achievable. With the balcony reducing in depth slightly to the east by around 0.85m, the views will not increase from that which are already achieved. Balcony screening will be conditioned to be installed to both side elevations to a height of 1.7m to ensure there is no adverse overlooking, with glazing already in existence to one side.

The top floor balcony is set within the roof with a depth of 2.4m. Only limited views could be achieved from the proposed balcony towards 21 South Drive due to the positioning of the balcony and due to the proposed chimney which would further obstruct views. With No 25 located further south, views over the garden of the property are largely restricted. There would be no direct views into neighbouring windows and with the addition of screening to the side elevation views would be predominately to the rear of the host dwelling and beach.

Fenestration changes to the side elevations are not extensive restricted to some additional windows to the top floor. These are at a high level and will not result in additional overlooking.

The proposed garage due to its siting to the front boundary of the property and with a modest height will not result in unacceptable harm upon amenity.

With the addition of balcony screening, the proposal is not deemed to result in significant harm upon neighbouring amenity by way of overbearing, overlooking or overshadowing and accords with policies D DM1 and D DM4 (c) of the Arun Local Plan.

SUMMARY

In taking the above into account the proposal will not result in unacceptable harm to the character and appearance of the locality or the amenities enjoyed by neighbouring residential occupiers. Permission is therefore recommended subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of

property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

2 The development hereby approved shall be carried out in accordance with the following approved plans

- Location and Block Plan - 203140/ 07
- Garage Plans - 203140/ 08
- Proposed Ground and First Floor Plan - 203140/ 04
- Proposed Second Floor and Roof Plan - 203140/ 05
- Proposed Elevations - 203140/ 06
- Section A-A Proposed - 203140/ 010
- Street Scene - 203140/ 09

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

3 Balcony screening shall be installed to the east and west elevations to both the first and second floor balcony and shall at all times be obscured glazed and to a height of 1.7m. The screening shall be installed prior to the first use of the balcony and be retained thereafter in perpetuity.

Reasons: In the interests of the amenity of the neighbouring dwelling in accordance with policies D DM1 of the Arun Local Plan.

4 Construction hours on site shall only be between 08:00 hours and 18:00 hours Monday to Friday, between 09:00 hours and 13:00 hours Saturday and at no time on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FG/114/21/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: P/49/21/RES

LOCATION: Land North of Sefter Road &
80 Rose Green Road
Pagham

PROPOSAL: Application for the approval of Reserved Matters pursuant to condition 1 (Reserved Matters details), condition 6 (Design Code Masterplan) & condition 7 (landscaping & layout details) following the grant of P/134/16/OUT for the erection of 250 No. dwellings, (including affordable homes), replacement scout hut, land for an Ambulance Community Response Post Facility, demolition of No. 80 Rose Green Road & provision of Public Open Spaces including associated children's play areas, landscaping, drainage & earthworks (resubmission following P/24/20/RES). This site also lies within the parish of Aldwick.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks approval of reserved matters following the grant of outline planning permission P/134/16/OUT) on 15th October 2019 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" on land north of Sefter Road & 80 Rose Green Road, Pagham.</p> <p>Approval is sought for the appearance, landscaping, layout and scale of the development.</p>
SITE AREA	13.84 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	34.68 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a Tree Preservation Order (TPO/P/4/19) protecting 12 oak trees on the site. There is a further Tree Preservation Order (TPO/AW/2/17) protecting two oak trees at 82 & 86 Rose Green Road, adjacent to the site.
CHARACTER OF LOCALITY	The character of the immediate locality is rural with open countryside situated to the north and west. Residential development is situated immediately to the east and south of the application site. To the east is Lincoln Avenue which features single storey bungalows and chalet bungalows set

within small plots, whilst to the south is Osborne Way a new residential development featuring 2 and 2.5 storey dwellings. Also to the south is Osborne Refrigerators who occupy a large industrial building which is situated to the north of Sefter Road and the existing residential development.

RELEVANT SITE HISTORY

P/134/16/OUT	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	App Cond with S106 10-10-19
P/24/20/RES	Approval of Reserved Matters pursuant to condition 1 (Reserved Matters details), condition 6 (Design Code Masterplan) and condition 7 (landscaping and layout details) following the approval of Outline planning permission P/134/16/OUT for the erection of 280 dwellings, (including affordable homes), replacement scout hut & Ambulance Community Response Post Facility; provision of a primary vehicular access from Sefter Road; demolition of No. 80 Rose Green Road & creation of a pedestrian & emergency only access; provision of Public Open Spaces including associated children's play areas, landscaping, drainage & earthworks. This application also lies within the parish of Aldwick. This site falls within the Pagham North SD2, CIL Zone 1 (Zero Rated).	Refused 26-06-20
P/96/21/DOC	Approval of details reserved by condition imposed under ref P/134/16/OUT relating to Condition No 34 - statement of how WW2 Infantry Section Post will be retained & integrated.	

The previous reserved matters application P/24/20/RES was refused for the following reasons:

1. The proposed layout fails to provide land for either a 1FE primary school or care home and consequently falls outside the terms of the outline planning permission P/134/16/OUT.

2. The proposed development does not provide a mix of dwelling types and sizes in accordance with Policy H DM1 of the Arun Local Plan 2011-2031 or a mix of affordable housing that accords with Policy AH SP2 of the Arun Local Plan 2011-2031.
3. The proposed development does not make adequate provision for the parking of cars and the parking and storage of cycles contrary to Policies T SP1 and T DM1 of the Arun Local Plan 2011-2031 and the Arun Parking Standards Supplementary Planning Document January 2020.
4. Insufficient information has been submitted to demonstrate that the proposed development would be able to accommodate the movement of a 12m long refuse vehicle to collect household waste and items for recycling, contrary to Policies D DM1 (10), T SP1 and WM DM1 of the Arun Local Plan 2011-2031.
5. The proposed development does not constitute a high standard of design in the layout, the scale, the appearance of the buildings, outdoor amenity space for the dwellings and the hard and soft landscaping of the site, contrary to Policies D SP1, D DM1, H SP2a, T SP1, OSR DM1 and HWB SP1 of the Arun Local Plan 2011-2031, the National Planning Policy Framework and the National Design Guide.
6. No arboricultural information has been submitted with the application contrary to condition 7 of the outline planning permission P/134/16/OUT and contrary to Policy ENV DM4 of the Arun Local Plan 2011-2031.

REPRESENTATIONS

PAGHAM PARISH COUNCIL

- No comprehensive master plan;
- No reserved matters application for the site at Pagham South where vast majority of the community facilities are;
- Layout is cramped and more suited to an urban area;
- Housing is cramped into the centre and majority of green space placed around perimeter of the site;
- The roads appear to be narrow;
- Insufficient visitor spaces;
- Garages are not immediately adjacent to the dwellings, this will lead to residents parking on the roads rather than using their garages;
- Given the narrowness of the roads, this will lead to safety concerns for those trying to cross the roads being unable to see around parked vehicles;
- Emergency vehicle access can be an issue with narrow roads;
- The layout needs to allow for a drainage solution which will ensure flooding does not occur to the gardens of properties in Lincoln Avenue, Osborne Way and Rose Green Road;
- Concerns about the play value and safety of play equipment;
- 3 storey blocks of flats are not in keeping with the village of Pagham;
- 2 of the 3 storey blocks of flats are close to the bungalows of established housing and do not blend with them and they are overbearing;
- Litter and dog bins need to be introduced;
- The response of West Sussex Fire and Rescue is noted and the Parish Council would like to see the Fire Service Vehicle Access evidence signed off before this layout is approved;
- The 12 parking space provided for the Scout Hut are less than half current provision which will lead to parking on the road which could block access for emergency vehicles stationed at the Community Response Post; and
- The Ambulance Community Response Post facility is close to the Scout Hut and play area which could be dangerous were ambulance to leave at speed for an emergency.

ALDWICK PARISH COUNCIL

- This development will lead to traffic diverting onto the Pagham Road and that issues on the Pagham Road have been dealt with adequately. (Arun Local Plan 15c Transport);
- Flooding which may occur on the site has not been adequately dealt with; and
- Lack of climate change mitigation (ECC SP1 a, b,c and f and ECC SP2 a,b and c).

One objection was received raising the following concerns:

- A) If to be connected to either Pagham or Sidlesham Wastewater Treatment Works and respective foul sewerage networks, then such treatment works and its network infrastructure is enhanced to provide the capacity necessary for this and all other developments and existing properties within its catchment area;
- B) Highways England and WSCC Highways complete all works proposals it has undertaken to do in relation to 'severe impact' classification under the detailed highways studies carried out before 400 dwellings are occupied; and
- C) Medical services provision appropriate for the expected community population increase from all developments is in place and fully operational before the 400th new dwelling is occupied.

COMMENTS ON REPRESENTATIONS RECEIVED:

All planning related comments are noted and matters relating to the appearance, scale and landscaping are covered in the Conclusions section of this report. The impact of traffic on the local and strategic highway network, infrastructure provision, foul water capacity, flooding and the principle of development have already been assessed at the outline permission stage and appropriate conditions and S106 Agreement obligations used to control the development.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ARBORICULTURIST: No objection.

- The principle of development as described is achievable without undue detriment to retained on-site trees, provided there is strict adherence to the Arboricultural Method Statement (AMS) and Tree Protection Plan, supported by adequate site supervision at key stages by the project arboriculturist (AMS sect.12).
- Assurances are required around the extent of any future surface water drainage operations and associated working methods, in proximity to retained trees.
- Two conditions are recommended,

SOUTHERN WATER: No objection.

- No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements.

ADC DRAINAGE ENGINEER: No objection

Initial comments raised the following:

- Drainage and layout must be considered concurrently. To overcome our holding objection the following information is required:
- Further information on the exact position of culverted watercourses on site. We understand there to be a further branch into the anti-tank ditch culvert which could clash with the proposed locations of some

dwelling.

- A buffer plan showing a 3m buffer around the top of bank of all basins and watercourses. There must be a minimum unobstructed width of 3m from the top of bank of basins and watercourses to ensure that future maintenance can be completed.

- A revised drainage strategy, updated to include the details requested in full comments (see full comments by Drainage Engineers)

- A plan which clearly shows proposed changes in ground level.

Following the submission of additional information, the holding objection has been withdrawn.

ADC GREENSPACE: No objection.

- The circular walk, pedestrian and cycle routes need to be confirmed re links and connectivity within and beyond the site.

- Maintenance and responsibility should be confirmed in conjunction with the maintenance specification detail.

HIGHWAYS ENGLAND: No objection.

- We are satisfied that the proposals in this reserved matters application will not materially affect the safety, reliability and / or operation of the strategic road network.

WSCC HIGHWAYS AUTHORITY:

Cycling routes

- a 3.0m wide off-road shared footway/cycleway is shown starting at the junction with Sefter Road. However, the corresponding S278 drawing for the junction works onto Sefter Road does not show a cycle route. This should be re-visited and show how both the highways works plan (S278) and the internal layout would work together and how cycle routes enter and leave the internal carriageways.

- Latest comment by Case Officer: At a meeting with the Highway Officer it was confirmed that the S278 drawings would be updated to reflect the requested amendments.

Emergency access

- Further details required for the entire emergency link (particularly the method of access at both ends to cater for emergency vehicles). Autotrack (or similar) diagrams showing vehicle tracking for refuse and fire appliances are required. When considering this, the applicant should also be mindful of the recommendations for cycle access contained in LTN 1/20.

- Latest comment by Case Officer: The Applicant has carried out and submitted an LTN 1/20 assessment

Road adoption

- Specifications for the materials used for the internal roadways and private drives do not appear to be submitted. For any roads offered for adoption under S38, specifications must meet WSCC requirements.

- Latest comment by Case Officer: This has been shown on the "Hard Landscaping Proposals" drawings (CSA/2038/134 Rev D, CSA/2038/135 Rev D, CSA/2038/136 Rev D, CSA/2038/137 Rev D, CSA/2038/138 Rev D).

Street lighting

- If roads are to be left private, the LPA should ensure that any lighting specification is referred to SSE for comment. It is recommended that lighting is provided for all roads and foot/cycle routes (including circulatory route and emergency access to Rose Green Road).

- Latest comment by Case Officer: The roads are being offered for adoption and as the following drawings entitled "Street Lighting Strategy Layout" have been submitted: WSC/E4775/016 Rev E; WSC/E4775/017 Rev E; and WSC/E4775/018 Rev E.

Other matters (fencing/barriers alongside drainage swales/basins/ditches etc.)

- The LPA should ensure that appropriate fencing/safety barriers be placed alongside drainage swales,

ponds and ditches to safeguard people walking alongside them.

- Latest comments by Case Officer: The Applicant has stated that a Local Roads assessment will be carried out as part of the detailed design stage (S278 Highways stage) and in support of the Highway Adoption application to assess the need for any additional vehicle restraints adjacent to these basins.

WSCC LEAD LOCAL FLOOD AUTHORITY: No comment.

NATURAL ENGLAND: No comment.

WEST SUSSEX FIRE AND RESCUE: No objection.

- Two conditions relating to the location of fire hydrants.

HOUSING STRATEGY AND ENABLING: No Objection.

- In accordance with the Local Plan 2018, the Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where 11 units or more are proposed such as on this site.

S106 considerations and Affordable Housing Plan

- To meet the requirements of the Council's Affordable Housing policy the applicants will need to provide 75 affordable dwellings, which equates to 56 x rented and 19 x intermediate.

- Due to the affordability of rented accommodation the rent should not be set higher than Local Housing Allowance (LHA) levels, including service charge. In addition, to ensure sufficient dwellings are accessible for those on the Council's Housing Register we would anticipate that 50% of the rented units are set at rent levels of no higher than 65% of open market value.

- All of the necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition.

We have no objection to the location of the affordable housing,

ENVIRONMENTAL HEALTH: No objection:

- The proposed pumping station should be at least 15m from block 8 and plots 245 and 246 to mitigate noise disturbance.

- I realise that the EV charging points condition is not part of this reserved matters application, however I would advise the applicant that it would appear from the information submitted that the current proposed number of EV charging points would not comply with the current standards required by Arun in the Arun Parking Standards document.

DESIGNING OUT CRIME OFFICER: Advice

- I direct the applicant or their agent to our website at www.securedbydesign.com where the SBD Homes 2019 Version 2 document can be found.

- The Designing Out Crime Officer has provided advice relating to door security systems, secure postal boxes for flats, safety and security for play areas and footpaths, the design and layout of the scout hut and ambulance outpost station, the potential school and care home, how landscaping should not impede natural surveillance and how lighting can help with safety and security.

SPORT ENGLAND: Advice

- If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

- In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.

COMMENTS ON CONSULTATION RESPONSES:**ADC DRAINAGE ENGINEER**

The Drainage Engineer has removed their holding objection as the Applicant has now overcome their objection by submitting revised drainage strategy plans and landscaping plans, that demonstrate how the layout and landscaping takes into account the drainage strategy.

ENVIRONMENTAL HEALTH

The required number of EV charging points is to be specified as a requirement of condition 33 of the outline planning permission and will be approved via the discharge of this condition rather than being approved as part of this reserved matters application.

WSCC HIGHWAYS AUTHORITY

The Applicant has addressed the matters raised by the Highways Authority. In particular, most matters will be resolved because the internal roads are proposed to be offered for adoption to West Sussex County Council. Also additional details and information have been provided to address other concerns. The Highway Authority are satisfied that their concerns have been adequately addressed and remove their holding objection.

SPORT ENGLAND

Included in the S106 Agreement for the outline application P/134/16/OUT are contributions towards sports facilities.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HDM1	H DM1 Housing mix
AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
GISP1	GI SP1 Green Infrastructure and Development
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

WDM3 W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
NPPDG National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021
SPD11 Arun Parking Standards 2020

POLICY COMMENTARY

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

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

On 25th February 2021 Arun District Council received an instruction from Pagham Parish Council to withdraw the Pagham Neighbourhood Plan. The Parish Council has decided not to progress further with the Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The proposal is located within a strategic housing allocation inside the built-up area boundary in compliance with the Development Plan. The proposal is considered to comply with relevant Development Plan policies.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

BACKGROUND

The site is subject to an approved outline planning permission (P/134/16/OUT) for residential-led development comprising:

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.

Approval of the scheme was granted subject to conditions and a S106 Agreement on 15 October 2019.

A reserved matters application (P/24/20/RES) for the site was refused on 26 June 2020. The reasons for refusal related to layout, dwelling types and sizes, parking provision, refuse vehicle length and tracking, scale, appearance of dwellings, amenity space provision and trees. How these reasons for refusal have been addressed by the applicant is commented on throughout the following sections of this report.

PRINCIPLE

The site forms part of the strategic allocation SD2 Pagham North which allows for the development of 800 dwellings within the Pagham North allocation area. Outline planning permission P/134/16/OUT for residential development at the site has established the principle of development for up to 280 dwellings and the access and emergency access into the site.

The outline planning permission had flexibility for 3 development options to be developed through reserved matters application(s) which included a option 1 - a development of 280 dwellings, option 2 - 250 dwellings and land for a 1FE primary school or option 3 - 250 dwellings and a care home. This reserved matters application excludes an area shown on the Planning Layout for 'potential school site / care home / residential development' from the development proposals. This is in contrast to the previous reserved matters application which did not reserve sufficient land for the school to come forward if required (the S106 Agreement requires that the primary school land shall be set aside for 5 years from commencement of development and also allows the land to be released when the Summer Lane school site is transferred to West Sussex County Council). The terms of the outline permission envisaged a school or a care home and sufficient land is set aside as part of the application to allow either use to come forward in the future (as a separate phase under a further reserved matters application).

SITE LAYOUT

The outline permission required the submission of a Design Code document as part of the reserved matters application. The Design Code sets out a vision for the site, an overview of the constraints and opportunities that have informed the scheme, the design principles, development character and resources and lifespan. The Design Code has informed the development of the scheme and is considered as part of the main assessment below.

Street Hierarchy

The proposed layout includes four types of residential street defined by their carriageway width, pavement width, parking arrangement, building set-backs, plot boundaries, materials and tree planting. The streets are described as a "Principal Route" (5.5m wide), "Secondary Route" (4.8m wide), "Tertiary Route" (4.8m wide) and "Shared Surfaces (4.8 - 6.8m wide) and "Private Drives" (3.7 - 4.8m). The Design Code states that the road pattern stems from a central principal route that connects a sequence

of secondary streets, tertiary streets and private drives. The arrangement of the internal road layout is legible and permeable and connects the housing to the surrounding landscape area. The Principal Route has a 3m cycle path on one side separated by a 2m landscaped verge and a 2m footpath on the other side, which provides a clear and safe route for pedestrians and cyclists through the site.

Land Uses

The proposed layout features a replacement scout hut and a land for a serviced ambulance community response post in the south-western part of the site adjacent to the access from Sefter Road. A small cluster of semi-detached houses is proposed opposite these facilities, on the other side of the main spine road. Most of the housing is proposed in the northern and southern parts of the site, either side of the spine road. Some attenuation ponds are shown in the western and south-eastern parts of the site. Most of the public open space is shown around the perimeter of the site (4.59 ha). This is a circular walking route (Suitable Alternative Natural Green space - SANG). There is also a small square at the centre which also contains a ELEAP (Enhanced Locally Equipped Area of Play), this is an inclusive space which will provide a 'heart' for the scheme. There are LAPs (Local Area for Play) in the northwest part and east parts of the site. The play areas comprise 0.079ha. This level of open space and specifically the SANG has been provided to encourage the new and existing community to use this space for recreational purposes (including dog walking), thereby reducing visitor pressure on the Pagham Harbour SPA (Special Protection Area).

Connectivity

Policy T SP1 of the Arun Local Plan 2011-2031 requires development not only to provide safe access on to the highway but to create safe and secure layouts for traffic, cyclists and pedestrians and to incorporate appropriate levels of parking in line with published guidance on parking provision and the Arun Design Guide.

The main principal access into the site has been designed in detail and approved under the outline planning permission, as well as the emergency link to the south-eastern corner of the site. Additional cycle connections to the northern boundary to link in with the West of Bersted allocation, have been incorporated in the design. Cycle connections also enable links to existing facilities within the village and neighbouring areas, as well as allowing for future connections. Consideration has been given to future connections to the Osbourne Refrigeration Site (also part of the Pagham North allocation) should this be desirable. In terms of connectivity to the Hook Lane site, the Outline permission included proposals for a 2m wide footway along Sefter Road, connecting to Hook Lane and crossing points. Therefore the development proposals are considered to be in accordance with policies H SP2a and T SP1 of the Arun Local Plan.

Updated visibility splay plans and swept path analysis have been provided, internal roads are proposed to be offered for adoption to West Sussex County Council which overcomes many of the concerns the Highway Authority had. Details of cycle lane crossings at the junctions and bell-mouth, including road markings and signage have been provided as part of the detailed design stage and to support the Section 38 highway adoption application. Minor amendments are being made to the footway/cycleway along the spine road near the access and to finalise the safety review of the visibility splays for the cycle crossings. An update Report will be provided following receipt and review of the plans and safety review findings.

Access and Parking

Approved at the outline stage, the primary vehicle access across the site is achieved from Sefter Road and emergency, pedestrian and cycle access is gained from the south east of the site via Rose Green Road. These accesses and internal roads have been designed to meet the standard for being adopted. The Local Highway Authority have raised a discrepancy between the S278 plans for the access onto Sefter Road which do not show the 3m shared footway/cycleway. The S278 plans are being amended to

reflect the layout shown in the reserved matters application which will ensure that the cycle/ footway is provided from the access into the site. An update will be provided to confirm this.

The report for the previous reserved matters application expressed concern that the refuse tracking plan for a 10.22m long vehicle was inadequate and that the tracking plan should show a 12m long vehicle. This has been undertaken in respect of the revised reserved matters layout and the refuse vehicle tracking plan shows that a 12m long refuse vehicle can successfully manoeuvre around the revised layout without conflicts. Therefore, the proposed development is considered to accord with policies WM DM1 and T SP1 of the Arun Local Plan.

The site is located within Parking Behaviour Zone 2 which provides an expected level of provision of 2 parking spaces for 1, 2 and 3 bed units and 3 parking spaces for 4+ bed units. Visitor parking shall be provided at a ratio of 20% of the total number of residential units. A total of 656 car parking spaces are proposed which includes 12 spaces associated with the scout hut and 644 spaces across the residential element of the development, including 65 visitor spaces. This meets the requirements of the Arun Parking Standards SPD. 195 electric vehicle charging points are proposed however, this is not being approved as part of this application but is being dealt with via a condition of the outline permission.

The Parish Council has concerns that the level of parking provision for the scout hut is insufficient given it is less than half than half the current provision. It is important to note that the provision for the scout hut has been designed in accordance with ADC parking standards. Whilst scout groups comprise 15 children, it is unlikely that parents would all arrive at the same time to drop off children therefore all 25 spaces are not likely to be used at the same time. Furthermore, cubs and scouts are actively encouraged to walk and cycle to their activities. That is one of the key reasons why the location of the scout hut is adjacent to the main cycle link from the north and the south. Provision has been made for a minibus to drop off and turn within the scout hut car park. There are 10 visitor parking bays along the main access road into the site which could also be used for drop off and pick up.

In terms of cycle parking provision, 6 spaces will be provided for the scout hut; secure cycle storage will be provided for each house with garages within their garages; for houses without garages cycle storage will be provided within rear gardens; and for flats cycle storage will be provided within the blocks of flats opposite the bin storage.

The access and parking arrangement for the site is considered to comply with Local Plan policies T SP1 and D DM1 of the Arun Local Plan and the Arun Parking Standards.

Amenity Space Provision

The Government's National Design Guide recognises that well-designed homes and buildings provide good quality internal and external environments for their users, promoting health and well-being (para. 123). Amenity space is defined as: "The outside space associated with a home or homes. It may be private or shared, depending on the building it serves".

In accordance with paragraph 13.3.5 of the Arun Local Plan 2011-2031, the Council has published the Arun District Design Guide SPD. Section H.04 of the Design Guide deals with Residential Outdoor Amenity & External Space Standards. It recommends minimum separation distances between habitable rooms in back to back, back to side and front to front arrangements, the minimum depth for private rear gardens and the minimum area for communal shared spaces.

Each new house will have private garden space and flats will have access to the open space provision provided across the site and balconies. Rear garden depths for houses is no less than the minimum 10.5m and balconies are 3sqm, both of which is compliant with the Arun Design Guide SPD. Back to back distances between the properties are at 21 metres or more throughout the development with an

additional 10m distance used where development is side on. The coach houses are currently lacking any private amenity space and this is being addressed by the applicant with a minor revision to the plans. An update will be provided.

Bin Storage

Policy WM DM1 of the Local Plan supports new residential development provided that: "a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats".

An area of hardstanding is identified in the rear gardens of houses for the storage of refuse and recycling bins, while communal bin stores are provided for the blocks of flats. The open space plans have been reviewed and litter and dog waste bins have been incorporated into the layout at key strategic locations. As shown on drawing no. CB_84_139_007 Rev a - Bin & Cycle Storage plan, the location of refuse and recycling bin storage is concealed from the street scene and located within rear gardens.

SCALE

The proposed development would be located on the edge of the existing settlement of Rose Green. The building heights of the adjacent residential development within the area include 2.5 to 3 storeys along Osborne Way to the south and 1 to 1.5 storeys along Lincoln Avenue to the east. The Design Code has considered the architecture of the surrounding areas (the 'Coastal Towns and Neighbourhood Settlements Character Area' in the Arun Design Guide), which demonstrates that there are occasional 3 storey dwellings in more recent developments.

The dwellings would generally be 2 to 2.5 storeys in height to respect the adjacent existing properties with the exception of the marker apartment buildings and town houses located on key / corner vistas along the spine road which will be 3 storey in height.

For the previous reserved matters application the Officer report raised concern that the proposed blocks of flats were disproportionate to the existing single storey and 1.5 storey dwellings surrounding the site. This has been addressed in this reserved matters application by reducing the ridgeline of the blocks of flats so that they are more proportionate in scale to surrounding development.

The Parish Council has also raised concern over the 3 storey blocks of flats for being overbearing. The distance from some of the proposed dwellings to existing dwellings along the eastern boundary of the site at Lincoln Avenue has been measured. The building at plot no.117 which is 2 storey is located 39.2m from the adjacent existing property, 119 which is also 2 storey is located 47.4m away and 127-135 which is 3 storey is located 60.9m to the closest building. These measurements indicate there there is no overbearing impact. Furthermore, these 3 storey buildings are required to provide the quantum and mix of residential development required the Arun Local Plan. Also, the sense of enclosure also provided by these 3 storey blocks also contributes to the legibility of the development by guiding the road users through the principal route.

It is considered that the proposed scale of the buildings, therefore, accords with Local Plan policies D SP1, D DM1, Arun Design Guide.

CHARACTER AND APPEARANCE

There is a variety of house forms within the local area. Dwellings are mostly semi-detached and detached. There is a mix of roof forms including pitched, gable fronted and hipped and vary in size. Brick colours range from plain red and yellow to multi tonal buff colours. Gable and pitched porches can be found on a few buildings within the area, along with bay windows. Window types are mostly white

casements, but window dormers are also common throughout the areas. Hedge and grass verges provide more natural boundary definition and are the most common feature across the area. Occasional dwarf brick walls feature with some of the bungalows.

Three character areas are proposed across the site, which also include a core focal space: northern edge; southern quarter; and principal route. The characteristics of each character area are described as follows:

Principal Route - The frontage types will follow the characteristics of the core village of Pagham punctuated by open space; varied building forms, predominately semi-detached units, with apartment buildings and the detached units to focal spaces and corners and short terraced forms; heights will vary between 2 to 3 storey to accentuate its status as the principal street; predominantly low hedgerows, with black estate railings to focal squares; courtyard parking and on-plot parking set back from the overall street scene in accordance with the building line; white uPVC windows with splayed headers and stone footers.

Northern Edge - Varied development frontage to respond to the landscape setting; predominantly semi-detached with detached along the green edge, occasional terraced forms within the mew / tertiary streets; all buildings are to be 2 storey with use of chimneys on focal building; boundaries in this area should utilise soft landscaping with open grassed areas and hedge planting; on plot parking set back from the overall street scene, in accordance with this building line and parking perpendicular to the street scene in lower order roads; red roof tiles, with mottled effect and hipped roofs will be used to soften the development's appearance within the landscape setting; red brick is to be utilised with darker feature brick, tile hanging is the predominant feature material in this area, white uPVC windows, with arched headers and brick footers, canopy and flat porch forms and variation in window detailing.

Southern Quarter - Relatively informal building frontage to respond to the edge of settlement character; varied building forms, predominantly semi-detached units with detached units to the green edges; all buildings are to be 2 storey; boundaries in this area should utilise soft landscaping with open grassed areas and hedge planting; on plot parking set back from the overall street scene; in accordance with this building, parking perpendicular to the street scene is also possible within lower order roads; brown roof tiles with mottled effect grey to be used where flint dressing is applied; red brick is to be utilised with a darker feature brick flint will be used as a feature material; white uPVC windows, with arched headers and brick footers with a variety of porch forms.

It is considered that the character areas provide variety, interest and respond to the local setting.

The Officer report for the previous reserved matters application considered that the design of some the proposed house types did not support the design guidance included within the Arun Design Guide SPD, namely that two of the proposed house types featured windows and doors that were not vertically aligned and the coach houses featured windows that were not horizontally aligned at first floor level. Furthermore, ADC considered that the proposed materials for each of the character areas did not provide enough of a distinctive character. The elevations have been revised to ensure alignment of windows and doors within all of the house types. The variation in materials shown in the Design Code address Officers previous concerns about the lack of variety.

The development proposals are considered to be in accordance with policy D DM1 of the Arun Local Plan, the National Design Guide and the Arun Design Guide.

LANDSCAPE AND OPEN SPACE

The amount of open green space provided amounts to 4.59ha when the minimum requirement is 1.76ha.

The majority of the open space is provided around the perimeter of the development. Both the Parish Council and Design Review Panel have questioned why the majority of the open green space is located around the perimeter of the residential built form. The location of the open green space (the SANG - Suitable Alternative Natural Greenspace) around the perimeter of the site forming an circular walking route, allows for a walking route that is of a distance of 2km which is a requirement of Natural England and has been provided to encourage the new and existing community to use this space for recreational purposes (including dog walking), thereby reducing visitor pressure on the Pagham Harbour SPA (Special Protection Area).

Along the principal route from Sefter Road, large native tree species such as Oak and Beech are proposed to be planted. This less formal development area provides space for larger trees to create an attractive first impression of the development. SuDS ponds located within the western part of the site and within the south eastern corner of the site will provide opportunity for attractive and biologically diverse planting species. Feature trees will be planted at termination of the vistas of some of the avenues.

The lack of arboricultural information that was not submitted with the previous reserved matters application has been addressed within this reserved matters application and it is considered that the Tree Protection Plan provides sufficient detail to the satisfaction of the Council's Tree Officer, protecting the trees and hedgerows to be retained on the site, which will be enhanced with additional planting. The Tree Protection Plan and Arboricultural Method Statement are required under Condition 9 of the outline permission and will be considered through the discharge of condition process.

The total level of play space provision is 0.079ha, comprising of 1 Enhanced Locally Equipped Area of Play (ELEAP) and 3 Local Areas of Play (LAPs). This level of provision has been developed in discussion with ADC's Leisure and Landscape Officer who has confirmed that the provision is considered acceptable for the site and conforms with the S106 Agreement for the outline approval.

It should be noted that the ELEAP which is located at the centre of the development was intended to be a community heart to the development. However, the Design Review Panel pointed out that as it only served young children and parents it would not be inclusive. It has been redesigned to be attractive to and draw in other age groups within this residential community so it is a more inclusive heart of the community.

The Parish Council has raised concerns over the quality of the play space equipment on offer, however, the equipment is to be agreed through the Public Open Space Scheme required by the S106 Agreement and is being removed from the plans. An update will be provided to confirm that the amended plans have excluded the play equipment.

The development proposals therefore accord with the NPPF and ADC Local Plan policies SD SP1, GI SP1, LAN DM1, ENV DM4 and QE SP1.

HOUSING MIX AND AFFORDABILITY

Policy H DM1 of the Local Plan requires that the proposed scheme includes a mix of dwelling types and sizes. The proposed housing mix includes:

- 36 x 1 bedroom flats
- 3 x 1 bedroom houses
- 12 x 2 bedroom flats
- 88 x 2 bedroom houses
- 81 x 3 bedroom houses
- 30 x 4 bedroom houses

The level of affordable housing proposed accords with requirements set out within the S106 Agreement for the outline planning permission which requires a provision of 30% affordable housing. This equates to 75 dwellings out of the 250 dwellings proposed being delivered as affordable housing. The affordable housing will be split 75% affordable rent and 25% shared ownership which accords with the aims of the Local Plan Policy AH SP2 and the requirement of the Section 106.

The following mix of affordable rent and intermediate housing has been provided.

Rented:

22 x 1 bed flat
6 x 2 bed flat
6 x 2 bed coach house
10 x 2 bed house
8 x 3 bed house
4 x 4 bed house

Intermediate:

8 x 1 bed flat
6 x 2 bed flat
2 x 2 bed house
3 x 3 bed house

The units are fully integrated into the development to ensure good place making principles are embedded throughout the development.

For the previous reserved matters application Officers raised concern that the market housing was dominated by larger dwellings at the expense of smaller dwellings contrary to the SHMA (Strategic Housing Market Assessment) and the affordable dwellings were dominated by provision of smaller (2 bedroom) dwellings at the expense of larger (3 bedroom dwellings). Concern was also raised that the development was not tenure blind with all the proposed flats and coach houses were in the affordable sector in conflict with Policy AH SP2. This reserved matters application has addressed these concerns by providing a market and affordable housing mix with the provision of a greater number of smaller dwellings within the market dwelling mix and a greater number of larger dwellings within the affordable dwelling mix. The development is also now tenure blind with flats being a mixture of affordable rent, shared ownership and market housing.

The proposed housing mix is therefore considered to comply with Local Plan policies H DM1 including the latest Updated Housing Needs Evidence, AH SP2 and complies with the affordable housing requirements set out within the S106 Agreement attached to the outline planning permission.

HERITAGE ASSET

The impact on heritage assets was assessed at the outline stage where it was concluded that the proposal would lead to less than substantial harm to the significance of the Grade II listed buildings to the south of the application site (92, 96 and 98 Rose Green Road) and to the north and that this harm would be outweighed by the public benefits of the development. The reserved matters application does not change the assessment at outline, as the development is separated from the listed buildings on Rose Green Road by existing development and the listed buildings to the north are separated by the retention of agricultural land. As a result the scheme complies with Local Plan policies HER SP1 and HER DM1 and the NPPF.

The existing Infantry Section Post located in the north west of the site is a non-designated heritage asset. This heritage asset was the subject of application P/96/21/DOC which is for: Approval of details reserved by condition imposed under ref P/134/16/OUT relating to Condition No 34 - statement of how WW2 Infantry Section Post will be retained & integrated. The scheme for the retention of the Infantry Section Post has now been approved.

RESIDENTIAL AMENITY

The layout of the site does not give rise to any concerns about impact on the amenity of existing residents due to the separation distance of the new properties from existing properties on Osborne Way and Lincoln Avenue in accordance with Policy Q SP1.

INTERNAL SPACE STANDARDS

Each dwelling has been designed to meet Nationally Described Space Standards ensuring a good standard of living accommodation for future residents in accordance with local Plan policy D DM2 and the Arun District Design Guide SPD. Amended plans are due to be submitted to deliver a proportion of M4(2) and M4(3) units within the scheme in order to ensure provision of adaptable and wheelchair accessible units on the site in accordance with Local Plan Policy H DM1. An update will be provided on the quantum of each type of unit.

CLIMATE CHANGE

The outline planning permission condition 28 requires an Energy Strategy identifying the principles to be incorporated into the detailed building design as the means of energy conservation, together with on-site energy renewable devices to be submitted prior to commencement of development. The scheme will seek a target provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements.

Outline planning permission includes a condition (condition 33) that requires an electric vehicle charging strategy which identifies the nature form and location of electric charging infrastructure to be provided across the development.

There is good solar orientation of properties to optimise solar gain.

DRAINAGE AND FLOOD RISK

ADC Drainage have requested "further information on the exact position of culverted watercourses on site, particularly within the vicinity of the anti-tank ditch which could potentially conflict with the proposed locations of dwellings". Further CCTV surveys were undertaken to establish the location of the missing culvert and it has been confirmed that the culvert does not cross the applicants land and appears to be a high level overflow from the anti-tank culvert into the shallow ditch into the Osborne refrigeration site. An ADC Drainage Officer has confirmed that no further assessment is required.

The Drainage Engineer had concerns that insufficient evidence had been submitted to demonstrate that the proposed layout had sufficient space for surface water drainage. The Drainage Engineer was also concerned that there was conflict between the proposed landscaping plans and the drainage strategy plans. To address these concerns revised landscaping and drainage strategy plans have been submitted and the Drainage Engineer and Officers are satisfied that the concerns have been overcome and the Drainage Engineers have removed their holding objection.

The Parish Council had concerns about possible flooding of the gardens of the properties in Rose Green

Road, Lincoln Avenue and Osborne Way. However, the layout has been designed to ensure that existing and future surface water drainage is appropriately managed and incorporates the use of SuDs to mitigate any possible flooding. Furthermore, the drainage strategy has been discussed with ADC Drainage Officers and concerns have been addressed and the holding objection has been withdrawn. The details of the drainage scheme will be considered through the discharge of the conditions on the outline application, but it has been demonstrated that the layout can accommodate a suitable drainage scheme.

NOISE

The outline permission includes a condition (condition 32) that requires a scheme for the protection of the proposed dwellings from noise from the Osborne Refrigeration Site, this will be considered through the discharge of condition process, but the layout would not prejudice suitable mitigation from being provided.

Also, concerns have been raised by Environmental Health Officers regarding potential noise disturbance to the dwelling in the north west of the development from the proposed foul water pumping station located to the north east of the Osborne Refrigeration site to the south of the main spine. However, this pumping station is located in excess of 15m from block 8 and plots 245 and 246 which is the distance required by Environmental Health to mitigate noise disturbance.

Therefore, with respect to noise the proposed development would comply with Arun District Local Plan policy QE DM1.

LIGHTING

The outline planning permission includes a condition (condition 16) for the submission of an external lighting scheme which requires lighting to be sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries of the site and that will comply with Institution of Lighting Engineers Guidance Notes for Reduction of Obtrusive light, Obtrusive Light Limitations for Exterior Installations.

ECOLOGY

The outline planning permission includes a condition (condition 16) that requires prior to commencement of development or any preparatory work the submission of an Ecological Protection and Enhancement Plan. The plan will be based on the mitigation measures proposed in the Ecological Appraisal dated December 2016 and will include a programme of ecological monitoring to inform the long term management of the site. The Ecological Protection and Enhancement Plan will include a full mitigation strategy for reptiles and and a work programme with clear timelines for each mitigation measure to be carried out. Furthermore, the greenspace within the site provides recreational space for people and dogs, which takes pressure off the Pagham Harbour SPA.

RECOMMENDATION

It is therefore recommended that this application for reserved matters and the design code masterplan are approved subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human

Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

- Design and Access Statement
- Design Code Masterplan
- Planning Statement
- Statement of Community Involvement
- CB_84_139_000 Site Location Plan
- CB_84_139_001 Rev G Planning Layout
- CB_84_139_002 Rev B Land Use Plan
- CB_84_139_003 Rev B Housing Mix Plan
- CB_84_139_004 Rev C Affordable Housing Plan
- CB_84_139_005 Rev B Building Heights Plan
- CB_84_139_006 Rev B Parking Strategy Plan
- CB_84_139_007 Rev B Bin & Cycle Storage Plan
- CB_84_139_008 Rev B External Finishes Plan
- CB_84_139_009 Rev B External Enclosures Plan
- CB_84_139_011 Rev B Street Scene Location Plan
- CB_84_139_012 Rev B House Type Plan
- CB_84_139_013 Rev B Character Areas Plan
- CB_84_139_015 Garden Compliance Plan
- CB_84_139_BinCycle_01
- CB_84_139_NE_NA44_P01 Northern Edge NA44 Floor Plans
- CB_84_139_NE_2BCH_E01 Northern Edge 2BCH Elevations
- CB_84_139_NE_2BCH_E02 Northern Edge 2BCH Elevations
- CB_84_139_NE_2BCH_P01 Northern Edge 2BCH Floor Plans
- CB_84_139_NE_2BCH_P02 Northern Edge 2BCH Floor Plans

CB_84_139_NE_NA20_E01 Northern Edge NA20 Elevations
CB_84_139_NE_NA20_E02 Northern Edge NA20 Elevations
CB_84_139_NE_NA20_E03 Northern Edge NA20 Elevations
CB_84_139_NE_NA20_E04 Northern Edge NA20 Elevations
CB_84_139_NE_NA20_E05 Northern Edge NA20 Elevations
CB_84_139_NE_NA20_P01 Northern Edge NA20 Floor Plans
CB_84_139_NE_NA20_P02 Northern Edge NA20 Floor Plans
CB_84_139_NE_NA20_P03 Northern Edge NA20 Floor Plans
CB_84_139_NE_NA20_P04 Northern Edge NA20 Floor Plans
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CB_84_139_NE_NA22_E02 Northern Edge NA22 Elevations
CB_84_139_NE_NA22_E03 Northern Edge NA22 Elevations
CB_84_139_NE_NA22_E04 Northern Edge NA22 Elevations
CB_84_139_NE_NA22_P01 Northern Edge NA22 Floor Plans
CB_84_139_NE_NA22_P02 Northern Edge NA22 Floor Plans
CB_84_139_NE_NA22_P03 Northern Edge NA22 Floor Plans
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CB_84_139_PR_1BCH_P01 Principal Route 1BCH Floor Plans
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CB_84_139_PR_2BCH_E02 Principal Route 2BCH Elevations
CB_84_139_PR_2BCH_E03 Principal Route 2BCH Elevations
CB_84_139_PR_2BCH_E04 Principal Route 2BCH Elevations
CB_84_139_PR_2BCH_P01 Principal Route 2BCH Floor Plans
CB_84_139_PR_2BCH_P02 Principal Route 2BCH Floor Plans
CB_84_139_PR_2BCH_P03 Principal Route 2BCH Floor Plans
CB_84_139_PR_2BCH_P04 Principal Route 2BCH Floor Plans

CB_84_139_PR_A_E01 Principal Route Block A Elevations
CB_84_139_PR_A_E02 Principal Route Block A Elevations
CB_84_139_PR_A_E03 Principal Route Block A Elevations
CB_84_139_PR_A_E04 Principal Route Block A Elevations
CB_84_139_PR_A_E05 Principal Route Block A Elevations
CB_84_139_PR_A_E06 Principal Route Block A Elevations
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CB_84_139_PR_B_P02 Principal Route Block B Floor Plans
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CB_84_139_BINCYCLE_01 Bin & Cycle Store Elevations & Floor Plans
CB_84_139_GAR_01 Single Garage Elevations & Floor Plans
CB_84_139_GAR_02 Double Garage Elevations & Floor Plans
CB_84_139_GAR_03 Double Garage Elevations & Floor Plans
CB_84_139_GAR_04 Double Garage Elevations & Floor Plans
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CB_84_139_PR_SS02 Principal Route Street Scenes
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CB_84_139_SQ_SS02 Rev A Southern Quarter Street Scenes

CB_84_139_SQ_SS03 Rev A Southern Quarter Street Scenes
CB_84_139_SQ_SS04 Rev A Southern Quarter Street Scenes
CB_84_139_SQ_SS05 Rev A Southern Quarter Street Scenes
CB_84_139_SQ_SS06 Rev A Southern Quarter Street Scenes
WSC-E4775-001 Rev G Fire Tender Swept Path Analysis
WSC-E4775-002 Rev G Refuse Tender Swept Path Analysis
WSC-E4775-004 Rev G Visibility Splay Analysis
WSC-E4775-012E Levels Strategy Layout Sheet 1 of 3
WSC-E4775-013E Levels Strategy Layout Sheet 2 of 3
WSC-E4775-014E - Levels Strategy Layout Sheet 3 of 3
2038_124_C Open Space Landscape Proposals Sheet 1 of 5
2038_125_C Open Space Landscape Proposals Sheet 2 of 5
2038_126_C Open Space Landscape Proposals Sheet 3 of 5
2038_127_C Open Space Landscape Proposals Sheet 4 of 5
2038_128_C Open Space Landscape Proposals Sheet 5 of 5
2038_129_C Soft Landscape Proposals Sheet 1 of 5
2038_130_C Soft Landscape Proposals Sheet 2 of 5
2038_131_C Soft Landscape Proposals Sheet 3 of 5
2038_132_C Soft Landscape Proposals Sheet 4 of 5
2038_133_C Soft Landscape Proposals Sheets 5 of 5
2038_134_C Hard Landscape Proposals Sheet 1 of 5
2038_135_C Hard Landscape Proposals Sheet 2 of 5
2038_136_C Hard Landscape Proposals Sheet 3 of 5
2038_137_C Hard Landscape Proposals Sheet 4 of 5
2038_138_C Hard Landscape Proposals Sheet 5 of 5
2038_140_C Landscape Masterplan
2038_141 Open Space Phasing Plan
WSC-E4775-001G - Fire Tender Swept Path Analysis
WSC-E4775-002G - Refuse Tender Swept Path Analysis
WSC-E4775-004G - Visibility Splay Analysis

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

- 2 No development above damp-proof course level shall take place unless and until detail of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council Fire and Rescue Service. The approved fire hydrants shall be installed and operational prior to the first occupation of any dwellings and maintained thereafter.

Reason: In the interests of amenity and in accordance with Policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with the Fire and Rescue Services Act 2004.

- 3 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 rear extensions shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space and in the interests of visual amenity and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 4 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country

Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no dormer/roof extensions/alterations to the houses approved shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity, heritage and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no hardstanding (other than that specified on the approved plans) shall be created on land forward of the principal or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 6 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 7 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 9 INFORMATIVE:The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 10 INFORMATIVE:The applicant is advised that the erection of temporary directional signage

should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

- 11 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

P/49/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: WA/63/21/PL

LOCATION: Land East of Tye Lane
Walberton
BN18 0LU

PROPOSAL: Proposed alternative vehicular accesses off Tye Lane and emergency access off Avisford Park Road, along with minor highway works following WA/95/18/RES (resubmission following WA/93/20/PL). This site is CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This planning application is for the construction of an alternative vehicular access onto Tye Lane and an emergency access onto Avisford Park Road.

The approved vehicular access is onto Yapton Lane and the emergency access is onto Tye Lane.

SITE AREA 0.26 hectares.

TOPOGRAPHY Predominantly flat.

TREES The site includes a number of mature trees along the boundary of the site with Tye Lane; and hedgerow trees along the boundary with Avisford Park Road.

BOUNDARY TREATMENT The site of the proposed vehicular access onto Tye Lane is bounded by hedgerows and hedgerow trees and a drainage ditch; and the site of the proposed emergency access onto Avisford Park Road is bounded by railings and by contractor fencing.

SITE CHARACTERISTICS Trees and hedgerows have been cleared to accommodate the approved emergency access, to form the visibility splays and for the footway / cycleway link onto Tye Lane; and Avisford Park Road is an unadopted single track road. The route of the proposed alternative emergency access leading from Avisford Park Road to the estate road on Avisford Grange is currently a building site.

Vistry Homes (formerly Linden Homes) are marketing the wider site as Avisford Grange and they have constructed and opened the site access from Yapton Lane; they have closed-off the former contractor access from Avisford Park Golf Club and turfed it over. The show homes and the visitor reception are not currently open for business and none of the houses on the site are occupied. There is a barrier controlling access into the construction area. The TPO'd trees in the south eastern

corner of the site are protected by fencing. The large attenuation pond in the south east part of the site has been excavated.

CHARACTER OF LOCALITY

The area is rural in character with housing in Walberton Village, including the Conservation Area and related listed buildings, the Walberton and Binstead Primary School, Walberton Recreational Ground and Avisford Park Road to the south of the application site. The Recreational Ground includes a playing field which contains a cricket square and the outfield has also been used to provide football pitches.

The site is bounded to the north by Avisford Park Golf Course, associated buildings and historic parkland. To the west the site is bounded by Tye Lane, with open farmland beyond. To the east the site is bounded by housing and Yapton Lane, beyond which is open farmland and the Golf Club's back 9 holes.

RELEVANT SITE HISTORY

WA/59/20/PL	A re-plan of part of the approved (outline planning permission WA/44/17/OUT and reserved matters approval WA/95/18/RES) and partially implemented development on the site, which currently has approval for 175 dwellings; to develop an additional 30 dwellings including 9 affordable units on part of the site. The proposal includes an increase in the number of dwellings on part of the site from 81 units to 111 units.	Refused 20-05-21
WA/95/18/RES	Approval of reserved matters following outline consent WA/44/17/OUT for the erection of 175 No. dwellings, car parking including garages, internal access roads, footpaths, parking & circulation areas, hard & soft landscaping, allotments, play areas/equipment & community orchard & other associated infrastructure & engineering works. This application may affect the character & appearance of the Walberton Village Conservation Area.	ApproveConditionally 16-04-19
WA/44/17/OUT	Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area.	App Cond with S106 23-02-18

WA/93/20/PL Alternative vehicular access off Tye Lane & emergency Withdrawn
 access off Avisford Park Road, along with minor highway 02-06-21
 works following WA/95/18/RES. This site is in CIL Zone 2
 (Zero Rated) as other development.

The outline planning application (WA/44/17/OUT) was subject to a call-in request, but the Secretary of State resolved not to call-in the application; and WA/44/17/OUT was granted by Arun District Council on 23rd February 2018. Work commenced on implementing WA/95/18/RES but the site has been mothballed until there is more certainty about the route of the A27 Arundel Bypass.

This application is a re-submission of WA/93/20/PL which was withdrawn by the applicant. At the time of withdrawal, further information was requested to determine the developments impact on the A27/A29 Fontwell West Junction with the A27 Arundel Bypass flows that accurately reflect the preferred Grey Route announcement scheme.

REPRESENTATIONS

WALBERTON PARISH COUNCIL:

Object.

- The application is premature; the proposed A27 route may not block existing access onto Yapton Lane.
- The planning application refers to a theoretical loss of access via Yapton Lane.
- The logic is flawed as the A27 Bypass route would block Yapton Lane access and sever Tye Lane heading north.
- There is no justification for an alternative access via a route already deemed inappropriate for WA/68/20/OUT.
- No effective community engagement has been carried out by the developer. No meeting taken place with WPC.
- Avisford Park Road is narrow, unsurfaced and unadopted and is unsuitable for use as an emergency access.
- Tye Lane is narrower than Yapton Lane; the proposal is to reduce it to a minimum of 4.8m rather than 5.0m.
- The reduced width of Tye Lane poses dangers for pedestrians, cyclists and vehicles.
- The Traffic Flow Diagrams have incorrect data; all data demonstrating traffic heading north to A27 is flawed.
- The consultants should have modelled the scheme on a 'with' and 'without' A27 Grey Route Bypass.
- Construction traffic would proceed via routes permitted to HGVs i.e. West Walberton Lane, which is narrow.
- Traffic levels on The Street and local roads would increase dramatically.
- Letter from NH (17/06/21) states NH will maintain access from Yapton Lane during/after constructing A27 bypass.
- The applicant claims "the application is proposed to be implemented as soon as possible, disregarding the future status of the Arundel Bypass". The LPA should require the applicant to submit a revised Planning Statement.

224 letters of objection on the following grounds:

- This proposal is a re-hash of withdrawn application WA/93/20/PL.
- The Grey Route option was identified in the PCF Stage 1 Technical Appraisal Report back in 2017.
- WA/68/20/OUT refused because Tye Lane not cope with increased traffic & is too narrow for 2 vehicles to pass. The full impact of this application cannot be appreciated without details of Grey Route junction crossing Tye Lane.

- If the A27 Arundel Bypass goes ahead, NH propose to close Tye Lane just to the north of the proposed access.
- Traffic will not be able to turn right from site onto Tye Lane and access the A27 if the Grey Route goes ahead.
- The developer is not able to guarantee the northwards connections onto or off the Grey Route.
- The Transport Assessment fails to provide any mitigation for cumulative effects if Grey Route goes ahead.
- Approval would set a precedent for consents on The Street and Tye Lane in traffic, amenity & social capital terms.
- Tye Lane is an unsafe road and there will be safety issues for residents, walkers, horse riders and cyclists.
- There are serious drainage issues around the proposed Tye Lane access which have not been addressed.
- Inadequate traffic modelling submitted to assess how 2 main accesses (Yapton Lane & Tye Lane) would function.
- The original consent had a Yapton Lane access for sound reasons. There has been no material change.
- NH has assured the applicant that there will be access to the site via Yapton Lane; & responded to an Fol request.
- NH not disclosed how it will maintain access to site during construction and operation of the A27 Arundel Bypass.
- Unlike the applicant, NH considers the future A27 alignment, that is the reason why the application was submitted.
- The application should include the full impact on all local roads before and after mitigation.
- Applicant falsely assumes the Local Plan policy to protect line of Bypass is untenable; line of Bypass is unknown.
- WSCC states that methodology for assessment presented in the Transport Assessment has not been agreed.
- The Local Highway Authority has made no commitment to mitigate impacts on the local road network.
- NH should provide access to the site via a bridge over the A27 Arundel Bypass to the old A27.
- The likely increase to traffic in The Street would also detrimentally impact on Walberton's Conservation Area.
- Avisford Park Road is an unsuitable, unsafe, un-adopted no-through road, which includes a public footpath.
- The Title Plan shows no legal right of vehicular access to the field along Avisford Park Road.
- Bollards at each end of emergency access would not prevent use by motorcyclists accessing Avisford Park Road.
- Removal of part of hedgerow on Avisford Park Road would destroy wildlife habitat and nesting sites for birds.
- Widening of the path to facilitate emergency vehicles is likely to impinge on approved POS and RPAs of trees.
- The proposal fails paragraph 32 of NPPF (2021), Policy T SP1 of the Local Plan and NP Policy GA6.

3 letters of objection following the submission of the applicant's email on 14th September 2021:

- The developer wants a replacement access onto Tye Lane regardless of the proposed A27 bypass.
- Vistry's overly cautious legal advice regarding NH's commitment to retain the access at Yapton Lane is irrelevant.

COMMENTS ON REPRESENTATIONS RECEIVED:

One of the reasons for refusing WA/68/20/OUT (Land west of Tye Lane) was that insufficient information had been submitted identifying the potential impacts of the development on the strategic road network.

The Transport Assessment needed updating to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. The preferred route for the A27 Arundel Bypass: the Grey Option 5BV1 route would be constructed in close proximity to the north of the proposed development, which would have the effect of stopping up Tye Lane to the north of the development. The Fontwell West roundabout is already over capacity as it is severely impacted by traffic in the peak periods and accordingly any additional traffic on top of already severe conditions are in themselves classed as severe. The applicant had not demonstrated that their impacts on the A27 were mitigated to a NIL detriment. Consequently, insufficient information had been submitted to determine whether or not the proposal complied with Policy T SP1 of the Local Plan and the National Planning Policy Framework.

All planning related comments are noted and covered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS (Formerly HIGHWAYS ENGLAND):

No objection. Two conditions are required to be imposed if planning permission is granted: 1) for a Construction Management Plan and 2) for the improvements at the A27 Tye Lane junction: "Prior to bringing the development hereby permitted into use, the scheme of highways works forming the A27/Tye Lane junction improvements as shown on the Ardent Consulting Engineers drawing No. 183248-005 Rev D 'PROPOSED A27 / TYE LANE JUNCTION' dated June 2021 (or other such alternative scheme that may be agreed in writing by the Local Planning Authority who shall consult National Highways) shall be completed and opened for use". In addition, 2 informatives are required: 1) an informative which explains the scenarios based on the existing permissions and conditions and 2) an informative regarding works affecting the Public Highway.

LOCAL HIGHWAY AUTHORITY:

No objection subject to conditions regarding the submission of a revised Construction Management Plan; a timescale for the closure of the Yapton Lane access, but pedestrian and cycle access should be retained; the development should be constructed in compliance with Access Drawing numbers 183248-002 and 183248-003 Rev. C - Proposed Alternative Access (including pedestrian improvements to Tye Lane); the mitigation measures at the A27/Tye Lane junction should be delivered prior to the access on Tye Lane being first utilised; and the emergency access provision onto Avisford Park Road should be provided prior to the closure of the existing access onto Yapton Lane.

WSCC FIRE & RESCUE SERVICE:

No objection. A suitable control measure would need to be put in place for the removal of the bollards should the emergency access route need to be used.

ADC ENVIRONMENTAL HEALTH:

No objection in principle, however conditions should be imposed regarding the submission of a Construction Management Plan, restricting the hours of construction activities, the submission of a detailed assessment of air quality impacts, and the submission of a detailed noise mitigation scheme to address noise impacts on nearby residential dwellings arising from the development and associated activities.

ADC DRAINAGE:

Object.

There would be a clash between the proposed culvert and the foul pipe. Proposals to provide the longer

culvert rely upon deepening the watercourse, it is not clear if this would be possible with the constraints that exist. In order to form a pavement along the east of Tye Lane it is proposed to divert the ditch; the proposed cross sections are proposed to have banks that are steeper than existing banks, which would result in erosion and collapse. It is unclear how the new watercourse profile could be provided without damaging the TPO'd trees.

ADC CONSERVATION OFFICER:

There are no heritage assets on the site, but there are a number in close proximity to it. These assets include Walberton Village Conservation Area and Avisford Park Hotel a Grade II Listed Building, and a number of Grade II listed buildings and locally listed 'Buildings or Structure of Character' fronting The Street, to the south and south-east of the site. There are concerns regarding the impact that additional traffic would have on the conservation area, the development could have some negative impact upon the conservation area. The application is considered to cause less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The level of harm is considered to be on the lower end of the scale. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC GREENSPACE:

No objection. The landscape drawing (Drawing No. CSA/3823/107 Rev. R: Sheet 1 of 4) shows the proposed landscape mitigation including native thicket and tree planting along Tye Lane. The proposed landscape mitigation for the Tye Lane entrance would appear sufficient and appropriate. The proposed emergency access off Avisford Park Road is not ideal with routing through public open space, the community orchard and passing a Local Area of Play (LAP); the landscaping plan (Drawing No. CSA/3823/109 Rev Q: Sheet 3 of 4) has been amended to include knee rail fencing around the LAP, which is acceptable.

ADC ECOLOGY:

No objection. A condition is required whereby the additional mitigation as proposed in the Ecology Technical Note dated June 2021, should be implemented in its entirety.

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Inside the Built-up Area Boundary (BUAB) of Walberton in the Arun Local Plan and Walberton NP2.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

- DDM1 D DM1 Aspects of form and design quality
- ENVDM4 ENV DM4 Protection of trees
- ENVDM5 ENV DM5 Development and biodiversity
- ENVSP1 ENV SP1 Natural Environment
- HERDM1 HER DM1 Listed Buildings
- HERDM2 HER DM2 Locally Listed Buildings or Structures of Character
- HERSP1 HER SP1 The Historic Environment
- HERDM3 HER DM3 Conservation Areas

INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP3	T SP3 Safeguarding to Main Road Network
WDM2	W DM2 Flood Risk
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

[Walberton Neighbourhood Plan Policy 2019-2031 GA2](#) Footpath Bridleway and Cycle Patch Network

Walberton Neighbourhood Plan Policy 2019-2031 GA5 Traffic Management

Walberton Neighbourhood Plan Policy 2019-2031 GA6 A27/A29 Junction West, and Other Strategic Junctions

Walberton Neighbourhood Plan Policy 2019-2031 HP1 Built up boundary (BUAB)

Walberton Neighbourhood Plan Policy 2019-2031 VE1 Designation of Local Green Space

Walberton Neighbourhood Plan Policy 2019-2031 VE3 Protection of Trees and Hedgerows

Walberton Neighbourhood Plan Policy 2019-2031 VE4 Conservation Areas and Areas of Special Character

Walberton Neighbourhood Plan Policy 2019-2031 VE6 Protection of Watercourses

Walberton Neighbourhood Plan Policy 2019-2031 VE7 Surface Water Management

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The revised Walberton Neighbourhood Development Plan was made on 14/07/21 and its policies are

referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Section 70(2) of TCPA provides that:-

(2) In dealing with an application for planning permission the authority shall have regard to:
(a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act):
"In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Planning (Listed Building and Conservation Areas) Act 1990 Section 72 (1)
"In the exercise with respect to any buildings or other land in a Conservation Area of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The proposed alternative vehicular access off Tye Lane and the emergency access off Avisford Park Road are located inside the built-up area boundary (BUAB) of Walberton and therefore comply with the relevant Development Plan policies. The proposal would have a material effect on the visual amenities of the locality along Tye Lane and Avisford Park Road, with the removal of trees but these are acceptable.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of residential development was established in 2018 when WA/44/17/OUT was granted for 175 dwellings on the Land East of Tye Lane; with the access to the site directly off Yapton Road. The reserved matters (WA/95/18/RES) were approved in April 2019.

The outline permission included the construction of the main vehicular access into the site from Yapton Lane, which has already been constructed, together with the provision of a new vehicular access point onto Tye Lane for use by emergency services vehicles. Much of the vegetation clearance including the removal of scrub and a few trees and leaning tree limbs has already been completed to construct the emergency access onto Tye Lane.

KEY ISSUES

The key issues to be considered as part of this application are:

- Is this planning application for alternative vehicular accesses onto Tye Lane and Avisford Park Road premature as there is no Development Consent Order in place for the preferred Grey Route for the A27 Arundel Bypass?
- Would the creation of a new permanent vehicular access onto Tye Lane, the construction of a footway along the eastern side of Tye Lane, and the proposed mitigation measures at the A27/Tye Lane junction adversely affect the appearance of the lane?
- Would the diversion of the surface water drainage ditch and the construction of a new culvert lead to surface water flooding on Tye Lane?

TRANSPORT

A27 Arundel Bypass:

The preliminary design of the A27 Arundel Bypass including its horizontal alignment has not been published nor finalised and no design fixes have been released; and the 2020 Preferred Route Announcement made no change to the status of the scheme. Whilst the preferred Grey Route for the A27 Arundel Bypass has the potential to impact traffic assignment from the site, there is no Development Consent Order in place and it is not at present a committed scheme, and as such would not have any formal planning status. National Highways current programme is to submit a Development Consent Order in 2022 and commence works in 2024. In bringing forward these proposals National Highways would ensure that access to the site is maintained during and after construction of the proposed bypass. As the preferred Grey Route for the A27 Arundel Bypass has no formal planning status, WA/63/21/PL considers the proposed access onto Tye Lane in isolation; it does not consider the future situation under a new alignment of the A27, which would result in a re-distribution of trips on the local highway network. National Highways have confirmed that if/when this alternative alignment of the A27 comes forward, any impact on the site access/trip distribution would be considered in detail and if needed this would be mitigated appropriately.

As it has been confirmed that the revised access would be implemented as soon as possible, it should be noted that an application has to be assessed and considered at face value based on the information presented and the intentions of the housebuilder to deliver 175 dwellings on the site. It is also noted that a standard timescales condition would be included on the permission which would lapse within 3 years of consent should it not be implemented.

Should planning permission be granted for WA/63/21/PL in advance of National Highways submitting a Development Consent Order for the Arundel Bypass it would then become National Highways responsibility to assess the revised assignment of the application site (and indeed all existing and consented flows) on a number of junctions on the local highway network, which are the responsibility of the Local Highway Authority, and the A27 Fontwell Roundabouts.

Trip Generation and Distribution:

It is estimated that there would be an additional 45 two-way trips in the morning (AM) peak and 69 two-way trips in the afternoon (PM) peak at the junction of Tye Lane and The Street. An additional 52 and 33 two-way movements are estimated in the AM and PM peaks respectively utilising the junction of the A27 and Tye Lane. It is estimated that there would be a reduction in trips at the junction of the A27 and Yapton Lane from the site, following the closure of the site access on Yapton Lane.

Proposed Improvements at the existing A27 / Tye Lane Junction:

An improvement scheme is proposed for the A27 / Tye Lane Junction (Drawing No. 183248-005 Rev. D) which would be in addition to the highway improvements secured through the outline permission. The A27 / Tye Lane Junction improvements comprise the formation of a new merge taper for vehicles

accessing the A27 westbound from Tye Lane. The proposed improvements to the A27/ Tye Lane junction should be provided in advance of the opening of the Tye Lane access to all vehicles and this should be conditioned. As stated above, WA/63/21/PL considers the proposed access onto Tye Lane in isolation; it does not consider the future situation under a new alignment of the A27. Consequently, should the preferred Grey Route for the A27 Arundel Bypass proceed it would make the proposed improvements at the existing A27 / Tye Lane Junction (Drawing No. 183248-005 Rev D, dated June 2021) redundant. However, the LPA can only consider the application as submitted.

A27 / Yapton Lane Junction Improvement:

The Transport Assessment Addendum, June 2021 states that a restriction on U-turn movements at the A27 / Yapton Lane junction could be provided (paragraph 3.16). National Highways have confirmed that this is a very minor matter of detail and would be tied into the agreed works forming the Section 278 agreement once the detailed design is completed. The provision of minor signage changes at A27 Yapton Lane can be dealt with at Stage 2 Road Safety Audit.

Section 106 Agreement (WA/44/17/OUT) mitigation and trigger points:

National Highways is content that the original mitigation and trigger points set out in the Section 106 Agreement for WA/44/17/OUT requiring the provision of an 80 metre long right turning lane on the A27 into Yapton Lane and a developer contribution of £400,000 towards improvements to the A27/A29 Fontwell Avenue roundabout are still appropriate. In the event the A27 Arundel Bypass comes along before the point at which the right turning lane on the A27 into Yapton Lane is improved then the £180,000 would go towards the A27 route improvements as per the agreement and the £400,000 for the scheme of works at the A27/A29 Fontwell Avenue roundabout would finance an alternative scheme of works that National Highways considers necessary to achieve improvement at the junction in accordance with the wording in the S106 Agreement).

Site Access:

Site access was approved under WA/44/17/OUT and provided vehicular access from Yapton Lane and emergency access from Tye Lane. The vehicular access from Yapton Lane has been constructed and it has been used by contractor vehicles accessing the site. Construction work has started on the emergency access and cycleway / footway link onto Tye Lane. This current application (WA/63/21/PL) is for an alternative vehicular access off Tye Lane and emergency access off Avisford Park Road, with the closure of the existing site access onto Yapton Lane; and this application considers the impacts in a non A27 Arundel Bypass scenario.

A simple priority junction is to be provided onto Tye Lane as shown on Drawing No. 183248-002 Rev. G with a 5.5 metre wide carriageway and 7.0 metre kerb radii; visibility splays of 2.4m x 54m southbound and 2.4m x 60m northbound are achievable in line with Manual for Streets requirements.

The Proposed Alternative Access Plan (Drawing No. 183248-003 Rev. C) and Drawing No. CSA/3823/110 Rev. O - Public Open Space Landscape Proposals (Sheet 4 of 4) still show the existing vehicular access onto Yapton Lane as retained. As no assessment has taken place of having both accesses onto Yapton Lane and Tye Lane open at the same time and its impact on redistributing vehicles, a condition is required to be imposed upon the timescale for closure of the existing access onto Yapton Lane and details of the closure, but retaining access for pedestrians and cyclists from Yapton Lane.

Emergency Vehicular Access:

The approved emergency access point is located onto Tye Lane, but the proposal is to provide an alternative emergency access onto Avisford Park Road. Vehicle tracking has been provided for the emergency access which shows a Fire Tender can utilise the access on Avisford Park Road and internal links within the development; and WSCC Fire and Rescue Service has raised no objection to the

alternative emergency access onto Avisford Park Road. It is acknowledged that Avisford Park Road is an unadopted no-through road, which includes a public footpath, and that it is wide enough only for a single vehicle; but the emergency vehicular access would only be used in the rare occurrence that the main site access was blocked, apart from this it would be used by pedestrians and cyclists. A removable bollard would be provided to allow pedestrian / cycle movements and restrict public motor vehicles.

It is also acknowledged that the alternative emergency access is not ideal as it would be routed through an area of public open space (POS), including the community orchard and it would run alongside a Local Area of Play (LAP). It is unfortunate that the emergency access road crosses an area of POS and runs through the site of the approved community orchard and runs up against the LAP in the southern part of the site, but it is acknowledged that this is the shortest route between the footprint of the residential development on the site and Avisford Park Road, and there is limited space on the site to accommodate an alternative emergency access through to Avisford Park Road.

Tye Lane Pavement:

A new 1.5 metre pavement is proposed along the eastern side of Tye Lane connecting to The Street; and dropped kerbs are proposed at the junction with The Street. The proposed pavement reduces to 1.2 metres for approximately 25 metres but given the anticipated vehicle flows, alternative pedestrian accesses to the site and land constraints, the width proposed is acceptable. In order to accommodate the pavement, the carriageway width of the road would be narrowed to between 5.6 metres and 5.0 metres (i.e. a 5.0 metre wide road would allow a HGV and car to pass). The proposed improvements to the pedestrian links along Tye Lane to High Street should be provided in advance of the opening of the Tye Lane access to all vehicles. The proposed pavement along part of Tye Lane would ensure that the site links up with the village centre, and it complies with Policy T SP1 and Policy T DM1 of the Local Plan, in terms of connectivity.

Stage 1 Road Safety Audits (RSA):

A Stage 1 RSA (June 2021) for the alternative site accesses onto Tye Lane and Avisford Park Road, and the proposed pavement along the eastern side of Tye Lane has been provided and the Designers Response has been agreed and signed. The Local Highway Authority and the Local Planning Authority are satisfied with the two Stage 1 RSAs and the Designer's Responses which have been signed and agreed.

Conclusion on Transport:

This application for an alternative vehicular access off Tye Lane and emergency access off Avisford Park Road, considers the impacts in a non A27 Arundel Bypass scenario. The application is proposed to be implemented as soon as possible, disregarding the future status of the Arundel Bypass. The original mitigation and trigger points set out in the Section 106 Agreement for WA/44/17/OUT are still appropriate. It is recommended that conditions be imposed upon the timescale for closure of the existing access onto Yapton Lane and details of the closure, but retaining access for pedestrians and cyclists from Yapton Lane. Subject to conditions, the proposed development is acceptable and it complies with Policy T SP1 and Policy T DM1 of the Local Plan and the National Planning Policy Framework, 2021.

LANDSCAPE

The amended Public Open Space Landscape Proposals Plan (Drawing No. CSA/3823/107 Rev. R: Sheet 1 of 4; Drawing No. CSA/3823/109 Rev. Q: Sheet 3 of 4 and Drawing No. CSA/3823/110 Rev. O: Sheet 4 of 4) which have been submitted with this application for the alternative vehicular accesses shows that a significant amount of the landscaping that was approved under WA/95/18/RES is to be retained across the site except within the visibility splays of the vehicular accesses onto Tye Lane and Avisford Park Road. These show amendments to the landscaping that has been approved under reserved matters and which are outside the red line boundary for this site.

The creation of a new permanent vehicular access onto Tye Lane; the construction of a pavement along the eastern side of Tye Lane from the site to High Street; and the proposed mitigation measures at the A27/Tye Lane junction shown on Drawing No. 183248-005 Rev. D would have an impact on the character of the Lane and alter the appearance of the lane from a country lane with grass verges to a country lane with a pavement running along the eastern side of the lane. The initial impact of the visibility splay and the pavement on the eastern side of the Lane would affect the visual character of the Lane when viewed from High Street; and alter its character from a rural lane into a suburban street. However, over the course of time the tree belt along the Lane would grow back and soften the initial impact of the visibility splay and the pavement. The construction of a pavement on the eastern side of Tye Lane would be acceptable as it would ensure safer access for pedestrians from Avisford Grange walking into the centre of Walberton.

Drawing No. CSA/3823/107 Rev. R - Public Open Space Landscape Proposals (Sheet 1 of 4) includes proposed additional tree planting along the verges of the new vehicular access route onto Tye Lane, which is acceptable as it would further enhance the visual appearance of the development. There is sufficient space to accommodate the proposed mitigation measures at the A27/Tye Lane junction, but a number of trees on the western visibility splay would be affected by the proposed mitigation measures, but on balance it is acceptable to ensure highway safety and the safe functioning of the junction and the free flow of traffic along the A27.

The route of the emergency access road goes through the site of the approved community orchard and runs alongside a Local Area of Play (LAP), but additional tree planting is proposed on Drawing No. CSA/3823/109 Rev. Q - Public Open Space Landscape Proposals (Sheet 3 of 4), which is acceptable as it would further enhance the visual appearance of the development and mitigate the visual impact of the road going through the orchard. Additional tree and shrub planting is also proposed in the north east corner of the site along the boundary with the houses on Manser Road and Yapton Lane (Drawing No. CSA/3823/110 Rev. O - Public Open Space Landscape Proposals (Sheet 4 of 4), in close proximity to the existing vehicular access onto Yapton Lane, which is acceptable. This area is outside the red line boundary. Subject to the imposition of a compliance condition for the provision of tree planting, the proposed new vehicular access onto Tye Lane and the emergency access onto Avisford Park Road comply with Policy D DM1 of the Local Plan, in terms of soft landscaping.

TREES

An Arboricultural Impact Assessment, dated 1st June 2021 has been submitted with WA/63/21/PL; and the Combined Tree Retention / Removal & Protection Plan (Drawing No. BHA_401_03 - Rev. A) has been updated to reflect the revised vehicular accesses onto Tye Lane and Avisford Park Road on the internal layout of the site. The amended access onto Tye Lane would require the removal of a small number of trees. The proposed pavement on the eastern side of Tye Lane is not part of the application; it constitutes off-site highway works and it would be dealt with by the Local Highway Authority under a Section 278 application. The pavement would be within a small portion of the RPA of a high quality oak tree (T23) but it should have a minor impact due to its location on the other side of the ditch. The trees within the wider site that are subject to a Tree Preservation Order would be retained and are already protected by the provision of screen fencing; it is proposed to re-align the screen fencing to allow construction of the emergency access route through the site, which is acceptable. As works are taking place within an RPA then they will need to be done in a certain way, which should be set out in an Arboricultural Method Statement (AMS). A condition is required whereby prior to the commencement of development, an AMS should be submitted which should also include the recommendations set out in the updated Combined Tree Retention / Removal & Protection Plan - Access Arrangements (Drawing No. BHA-401-03 - Rev. A) requiring the provision of protection measures around the adjacent trees and hedges which are to be retained and whose canopy and root protection areas would fall within the construction area. Subject to a condition requiring the submission of an AMS, the proposed alternative vehicular accesses for Avisford Grange comply with Policy ENV DM4 of the Local Plan and Policy VE3 of

the Walberton NP2 in relation to tree protection.

BIODIVERSITY

The Ecological Mitigation and Enhancement Plan providing details relating to the wider site regarding badgers and the ecological enhancements have been discharged under WA/99/18/DOC. An Ecology Technical Note (June 2021) has been submitted with this application which sets out the acceptability of the proposed alternative vehicular accesses following the approval of WA/99/18/DOC. The Ecology Technical Note proposes the following precautionary works: a number of bat boxes would need to be checked and be re-located; an update to the badger survey should be undertaken prior to any ground works commencing, to ensure badgers are not using the site; if any of the trees which require felling have bird boxes installed on them then these should be re-located to an alternative nearby tree by an Ecologist, but the boxes cannot be moved until any young have fledged. The site needs to be checked for reptiles by an ecologist, prior to any vegetation removal works commencing. These remedial works to the existing ecological enhancements should be conditioned.

An updated Ecological Mitigation and Enhancement Plan (Drawing No. CSA/3823/114 Rev. D) has been submitted with the application showing the proposed locations of additional ecological enhancements comprising bat, bird, bee and invertebrate boxes, and log piles; which would work with and compliment the plans approved at the outline and reserved matters stages. The additional ecological enhancements are suitable and should be conditioned. Subject to a condition ensuring that the remedial works to the existing ecological enhancements set out above and the additional ecological enhancements are implemented, the proposed development complies with Policy ENV DM5 of the Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible.

IMPACT ON WALBERTON CONSERVATION AREA AND THE SETTING OF LISTED BUILDINGS

Walberton Village Conservation Area:

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 202 of the NPPF (2021) and if there is harm is it substantial or less than substantial, and this needs to be weighed against the public benefits of the proposal.

Walberton Village Conservation Area is linear in nature, following the line of The Street from the junction with Tye Lane at the west towards the junction with Yapton Lane at the east, along with Church Lane which extends towards the south-west as far as the parish church. The boundary of this part of the conservation area consists primarily of the rear boundaries of various properties which front on to The Street. Walberton Green Conservation Area is focussed on the village green and pond, set at the meeting point of historic routeways. A limited number of houses front onto this space, with the boundary drawn along their rear property boundary lines. Development in this conservation area tends to be focused towards the green/roads. The application site is separated from the conservation areas by a small buffer of residential development and mature gardens. Tye Lane runs between The Street and the A27 and forms a link between the conservation area and the surrounding countryside.

In accordance with paragraph 194 of the NPPF (2021), a Heritage Impact Assessment has been prepared which assesses the impact the development has on the setting of the Conservation Areas and assesses how this may affect the proposed development.

With regard to paragraph 206 of the NPPF (2021) the main consideration is the indirect effect that the proposed development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Areas. The Heritage Impact Assessment confirms that the current proposal includes works within the highway that lie within the Walberton Village Conservation Area. The Assessment concludes that the proposed works are minor in nature and are consistent with the existing form and character of highway works in Walberton; and these

works would not cause any material harm to the significance of the identified heritage assets.

In accordance with paragraph 195 of the NPPF (2021) which states the Local Planning Authorities should take account of any necessary expertise, in this case, the Conservation Officer reviewed the application and provided some comments.

The proposal has taken account of the policy objectives set out in paragraph 197 of the NPPF (2021) by maintaining the significance of the Conservation Area that may be affected by the application proposals. The impact on the Conservation Area has been given great weight in accordance with paragraph 199 of the NPPF (2021) The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the Conservation Area, by ensuring that the pavement is only constructed on one side of Tye Lane and that only trees growing within the visibility splay on Tye Lane are proposed to be removed, and make a positive contribution to local character by enhancing the setting of the Conservation Area as required by paragraphs 197(c), 206 and 207 of the NPPF (2021) which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as 'the act') states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

The site is separated from the conservation areas by a small buffer of residential development and mature gardens. However, there is concern about the impact that the development could have on Tye Lane, which is a semi-rural lane which provides a pleasant entrance to the conservation area. The concern is that any necessary highways improvements and an increase in traffic using this lane would impact upon its rural character. Further, there is concern that the increase in traffic will ultimately impact upon The Street, which will also harm its semi-rural character.

Based on the concern regarding the impact that additional traffic will have on the conservation area, the development could have some negative impact upon the conservation area. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). However this harm is to be on low end of the scale. As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Benefitting the local economy by bringing in additional customers to the village centre shops and services.

In conclusion, in terms of the Conservation Area it is acknowledged that there would be an impact on the setting of the Conservation Area resulting from the development proposed and conflict with paragraph 72 of the act. Overall, the proposal does cause some harm to the Conservation Area, but this level is such that the impact can be described as leading to less than substantial harm.

The public benefits sufficiently outweigh the harm caused to the Conservation Area and the proposal is therefore compliant with Policy HER SP1 and Policy HER DM3 (a),(d),(e) and (f) of the Arun Local Plan, Policy VE4 of the Walberton NP2 and the NPPF (2021). In terms of Policy HER DM3(f), the proposed development would not harm views into or out of the two Conservation Areas in Walberton.

Listed Buildings

Section 66 of the act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Whilst there are no statutory Listed Buildings located within the site boundary, a number of Listed Buildings are situated within 50 metres of the site: The remains of the Village Pound, Numbers 15-20 The Street, Friars Oak and Friars Oak Cottage are some distance from the site. Pear Tree Cottage is located on the junction of The Street with Tye Lane, facing south and south-east; it has no significant inter-visibility with the Site. The Buildings and Structures of Character are located close to the South-West of the site in the Walberton Green Conservation Area. They are properties of 18th-19th century date and are focussed south towards the road at the point where it enters the village green. There are various Locally Listed Buildings and Structures of Character within The Street. However, there is no inter-visibility with the Site, due to the presence of development between the assets and the site.

The proposal is for revised point of access for the site. This new point of access would be via Tye Lane, which runs between The Street and the A27. It is also assumed that the lane would form the main route for the future residents into the village and the associated services, as well as the local road network. The proposal is such that the impact of the proposed alternative vehicular access off Tye Lane with the provision of visibility splays and a pavement along the eastern side of the Lane can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). However this harm is to be on low end of the scale. As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

It is therefore necessary to consider the public benefits that the development may achieve. These have been set out above.

In conclusion, in terms of listed buildings it is acknowledged that there would be an impact on the setting of the Listed Buildings resulting from the development proposed (in conflict with section 66 of the aforementioned act). Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm.

The public benefits sufficiently outweigh the harm caused to the listed buildings and the proposal is therefore compliant with Policy HER DM1 in terms of preserving the historic character of the Listed Building, and Policy HER SP1 of the Local Plan, and the NPPF (2021).

NOISE

A Noise Assessment was approved under WA/11/19/OUT. Environmental Health has requested that conditions be imposed requiring the submission of a Construction Management Plan, together with a condition controlling the hours of construction activities, to protect the amenity of local residents. Subject to the imposition of noise conditions, the future and existing residents of Walberton would not be adversely affected by noise in accordance with Policy QE DM1 of the Local Plan.

AIR QUALITY

The proposed development is not located in an Air Quality Management Area. However, Environmental Health has requested that a condition be imposed requiring the submission of a detailed assessment of air quality impacts, to protect the amenity of local residents, which would be covered in the Construction Management Plan.

DRAINAGE

The proposed access would need to cross the watercourse which runs along the eastern edge of Tye Lane as set out on Drawing No. 183248-001 Rev. P2 - Tye Lane Preliminary Site Access. This application refers to the construction of a piped culvert on Tye Lane and for the existing drainage ditch to

be backfilled to accommodate a footpath along the eastern edge of the lane. Any proposals to remove, narrow, infill or culvert a long stretch of this watercourse are not supported. ADC Drainage Engineers have requested the submission of details of the proposed ditch crossing, the proposed footpath location in relation to the watercourse, details of the proposals for the watercourse including drawings and a statement; but this information has not been submitted.

The new culvert on Tye Lane has proposed upstream and downstream invert levels of 13.05 and 12.95 respectively, which would clash with the foul pipe, which has an invert level of 12.8, with a diameter of 150mm and a crown level of 12.988. Proposals to provide the longer culvert rely upon deepening the watercourse, it is not clear if this would be possible with the constraints that exist. In order to form a pavement along the eastern side of Tye Lane it is proposed to divert the existing ditch, however, it has not been evidenced that the new access could be delivered whilst maintaining the free flow of water and capacity within the watercourse. To overcome the objection from ADC Drainage Engineers it is proposed to impose a condition whereby the development shall not proceed until details of the new culvert on Tye Lane and details of the diversion of the existing surface water drainage ditch to accommodate the new pavement along the eastern side of Tye Lane have been submitted and approved. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. Consequently, subject to the imposition of a surface water drainage condition the proposed development complies with Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan, Policy VE6 and Policy VE7 of the Walberton NP2, and the National Planning Policy Framework (2021).

SUMMARY

The proposed provision of an alternative vehicular access to the site off Tye Lane and an emergency access of Avisford Park Road is acceptable, in accordance with Policy D DM1, Policy T SP1, Policy T DM1, Policy HER DM1, Policy HER DM3, Policy HER SP1, Policy ENV DM4, Policy ENV DM5, Policy QE DM1, Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan, Policy VE3, Policy VE4, Policy VE6 and Policy VE7 of the Walberton Neighbourhood Plan (NP2) and the National Planning Policy Framework (2021).

RECOMMENDATION

It is recommended that this application is approved and the following conditions be imposed.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans and submitted documents:

- Drawing No. 183248-002 Rev. G - Proposed Access Improvements: Tye Lane / Avisford Park Road.
- Drawing No. 183248-003 Rev. C - Proposed Alternative Access (including pedestrian improvements to Tye Lane).
- Drawing No. 183248-005 Rev. D - Proposed A27 / Tye Lane Junction.
- Drawing No. CSA/3823/107 Rev. R - Public Open Space Landscape Proposals (Sheet 1 of 4).
- Drawing No. CSA/3823/109 Rev. Q - Public Open Space Landscape Proposals (Sheet 3 of 4).
- Drawing No. CSA/3823/110 Rev. O - Public Open Space Landscape Proposals (Sheet 4 of 4).
- Drawing No. CSA/3823/114 Rev. D - Ecological Mitigation and Enhancement Plan.
- Drawing No. BHA 401-03-REV A - Combined Tree Retention/Removal and Protection Plan - Access Arrangements.

- Transport Assessment Addendum (Tye Lane Access) Ref. 183248-07, prepared by Ardent Consulting Engineers, June 2021.
- Designers Response: Stage 1 Road Safety Audit, Land East of Tye Lane, Walberton. (Ref. 183248-08), prepared by Ardent Consulting Engineers, June 2021
- Road Safety Log Cover Sheet, prepared by WSCC, 22/6/21.
- Audit Response Report(WSCC Addendum): Stage 1 Road Safety Audit (Ref. 183248-11), prepared by Ardent Consulting Engineers, August 2021.
- Heritage Impact Assessment: Land East of Tye Lane, Walberton BN18 0LU, prepared by Savills, 21 June 2021.
- Ecology Technical Note: Land East of Tye Lane, Walberton, prepared by CSA Environmental, June 2021.
- Arboricultural Impact Assessment, Land East of Tye Lane, Walberton, prepared by Hyett Associates, 1st June 2021.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

- 3 No construction activities shall take place other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no activities taking place on Sunday or Bank Holidays.

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

- 4 Prior to the commencement of development, details of the closure of the Yapton Lane access to motorised vehicles, and the associated provision of hard and soft landscaping and the access details for cyclists and pedestrians from Yapton Lane should be submitted for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The Yapton Lane access should be closed to motorised vehicles (using temporary measures) as soon as the Tye Lane access is open for use by motorised vehicles. Pedestrian and cycle access from Yapton Lane should be retained.

Reason: In the interests of road safety, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to close the Yapton Lane access, to approve the hard and soft landscaping in and around the former vehicular access from Yapton Lane and to ensure that access to the site from Yapton Lane is retained for pedestrians and cyclists.

- 5 The approved mitigation measures at the A27/Tye Lane junction should be delivered prior to the access on Tye Lane being first utilised.

Reason: In the interests of road safety, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 6 The approved emergency access provision onto Avisford Park Road should be provided prior to the closure of the existing access onto Yapton Lane.

Reason: In the interests of road safety, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 7 Prior to bringing the development hereby permitted into use, the scheme of highway works forming the A27/Tye Lane junction improvements as shown on the Ardent Consulting Engineers Drawing No. 183248-005 Rev. D "PROPOSED A27 / TYE LANE JUNCTION" dated June 2021 (or other such alternative scheme that may be agreed in writing by the Local Planning Authority who shall consult National Highways) shall be completed and opened for use.

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy T SP1 of the Arun Local Plan.

- 8 Prior to the first use of the approved alternative vehicular access off Tye Lane, the approved footway should be provided along the eastern side of Tye Lane as shown on Drawing No. 183248-003 Rev. C - Proposed Alternative Access (including pedestrian improvements to Tye Lane) and be retained and maintained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 9 No works (including site clearance and / or preparation) shall commence on the development hereby permitted until a Construction Management Plan has been submitted to and been approved in writing by the Local Planning Authority (who shall consult National Highways). The construction of the development shall be carried out in accordance with the approved

Construction Management Plan.

Reason: To ensure that construction of the development does not result in avoidable congestion and disruption on the A27 Trunk Road, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy D DM1 and Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

- 10 All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first use of the approved alternative vehicular access off Tye Lane and the completion of construction of the approved alternative emergency access off Avisford Park Road, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 11 Prior to the commencement of development, an Arboricultural Method Statement (AMS) should be submitted for approval in writing by the Local Planning Authority. The AMS should include the recommendations in the updated Combined Tree Retention / Removal & Protection Plan - Access Arrangements (Drawing No. BHA-401-03 - Rev. A) requiring the provision of protection measures around the adjacent trees and hedges which are to be retained and whose canopy and root protection areas would fall within the construction area.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area, in accordance with Policy ENV DM4 of the Arun Local Plan and Policy VE3 of the Walberton Neighbourhood Plan (NP2) in relation to tree protection. It is considered necessary for this to be a pre-commencement condition because of the need to ensure tree protection measures are in place along Tye Lane and Avisford Park Road.

- 12 Prior to the commencement of construction works a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for approval in writing and will be based on the remedial works to the existing ecological enhancements recommended in the Ecology Technical Note, prepared by CSA Environmental, dated June 2021 and the additional ecological enhancements set out in the updated Ecological Mitigation and Enhancement Plan (Drawing No. CSA/3823/114 Rev. D). All the approved details shall then be implemented in full and in accordance with the agreed timings and details.

The LEMP shall include but not be restricted to:

- a number of bat boxes would need to be checked and be re-located;
- an update to the badger survey should be undertaken prior to any ground works commencing;
- if any of the trees which require felling have bird boxes installed on them then these should be re-located to an alternative nearby tree by an Ecologist, but the boxes cannot be moved until any young have fledged;
- the site needs to be checked for reptiles by an ecologist, prior to any vegetation removal works commencing; and

- the installation of additional bat, bird, bee and invertebrate boxes, and log piles.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM5 of the Arun Local Plan and the National Planning Policy Framework, 2021. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 13 The development shall not proceed until details of the new culvert on Tye Lane and details of the diversion of the existing surface water drainage ditch to accommodate the new pavement along the eastern side of Tye Lane should be submitted for approval in writing by the Local Planning Authority. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to the culvert or the surface water drainage ditch on, or adjacent to, the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan, Policy VE6 and Policy VE7 of the Walberton NP2, and the National Planning Policy Framework (2021) and to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 14 INFORMATIVE: This planning application is linked to the original planning application WA/44/17/OUT - Land East of Tye Lane, Walberton which was conditionally approved with a signed S106 Agreement in place. Section 11 of the Agreement relates to the contribution of £400,000 towards the scheme of works at the A27 / A29 Fontwell Avenue Roundabout and Section 12 of the Agreement referring to the additional scheme of works given in Schedule 6 which describes the necessary highway works to the A27 Yapton Lane right turn lane. These are unaffected by this application WA/63/21/PL save for the following:

- In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 then the agreed works as shown on the Ardent Consulting Engineers Drawing No. 183248-005 Rev. D "PROPOSED A27 / TYE LANE JUNCTION" dated June 2021 will be deemed unnecessary.

- In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 then the agreed contribution of £400,000 for the scheme of works at the A27/A29 Fontwell Avenue Roundabout shall be an alternative scheme of works that National Highways considers necessary to achieve improvement at the junction in accordance with the S106 Agreement.

- In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 and the agreed works as shown on the Ardent Consulting Engineers Drawing No. 183248-005 Rev. D "PROPOSED A27 / TYE LANE JUNCTION" dated June 2021 are deemed unnecessary by National Highways as too are the agreed works on i-Transport's Drawing No. ITB11324-GA-014 Rev. C "Proposed extension to A27 Yapton Lane right turn" dated 30/8/17 then the works costs of £180,000 will be contributed towards improvement of the A27 corridor in accordance with the S106 Agreement.

- 15 INFORMATIVE: Works affecting the Public Highway.
Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (National Highways). This development involves work to the

public highway that can only be undertaken within the scope of a legal Agreement (s278) between the applicant and National Highways. Planning permission in itself does not permit these works. The works proposed to the public highway as part of this planning application (contained in Condition 5) will need to be completed in full and be maintained through the requisite defects period prior to formal adoption by National Highways.

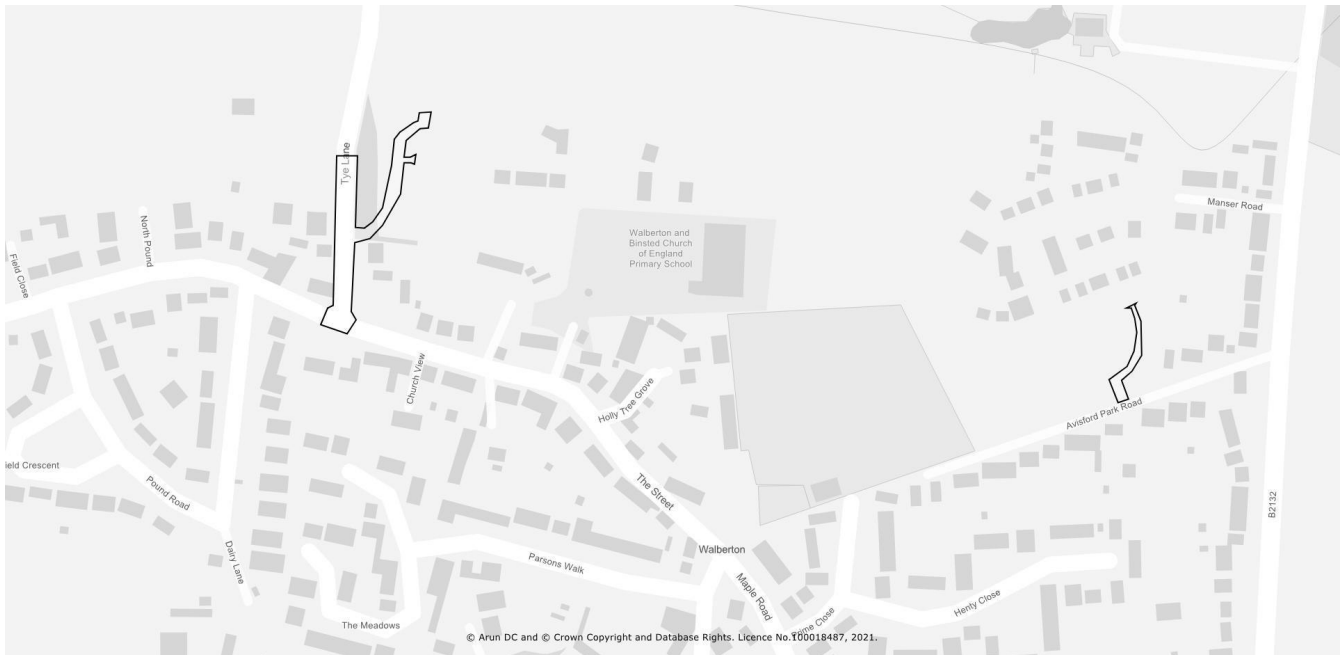
It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, National Highways, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ. National Highways switchboard Tel. 0300 470 1370. Email: planningse@highwaysengland.co.uk.

- 16 INFORMATIVE: The landscaping and ecological enhancements proposed outside the area of the red line plan will need to be the subject of a minor Non-Materials Amendment application as they affect the area that was subject to the reserved matters approval (WA/95/18/RES).
- 17 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

WA/63/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: Y/49/21/RES

LOCATION: Land East of Drove Lane
Yapton
BN18 0EB

PROPOSAL: Approval of reserved matters following Y/92/17/OUT for 300 No. dwellings covering landscape, layout, scale & external appearance (resubmission following Y/78/20/RES). This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 300 dwellings with associated parking, road/footway provision, foot and cycle paths, public open space, play provision, landscaping, drainage features and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. The access arrangements were approved on Y/92/17/OUT.

Of the 300 total, 90 are affordable units (67 affordable rented dwellings & 23 shared ownership). In addition, 70 of the 1, 2 & 3 bed dwellings in the 300 total will be built to be compliant with M4(2) of Building Regulations as per the requirements of condition 26 on the outline permission therefore being accessible and adaptable to future requirements.

Each house or flat has at least 2 parking spaces or 1 parking space & 1 garage/car port space. The larger houses have 2 spaces and a garage. There are a total of 110 garages and 5 car ports. Some of the garages are shared doubles. There will be 76 visitor spaces throughout the site. Cycle parking is indicated to either be with cycle storage sheds, garages or communal stores. All gardens will have bin storage spaces and there will be bin collection points on the frontages. The apartment buildings are shown to have brick bin stores as part of the fabric of the building.

The majority of buildings will be two storeys with no roof accommodation shown. The exceptions will be the four apartment buildings (2.5 storeys) with two sited centrally and the other two towards the eastern edge. In addition, plots 177-180 and 262-267 (again sited centrally) will have roof accommodation.

The building designs are mixed with 18 different types including detached, semi-detached, link-detached, terraced, flats and FOG's. A foul water pumping station enclosure is shown along the Drove Lane boundary but there are no elevation details for this, therefore a condition will be needed to secure these. In addition, there is a roughly 4m by 4m electric substation within the layout for which elevations have been submitted.

As per the outline permission, the site will have a vehicular access onto Main Road in the northern corner of the site. As this site is to be developed as one half of the larger ref SD7 strategic allocation, the south eastern edge will adjoin the adjacent site and there will be numerous ways to cross between; including a road, cycle path, formal footpaths and over open grassland. The submitted plans also demonstrate that there will be a segregated 3m wide cycle path through the site (from Main Road to the boundary with the adjacent site), a 3m wide cycle path between the site and Drove Lane, 2m wide footways through the development, shared surfaces and several informal pathways accessing/including existing unaltered Public Rights of Way (PRoW).

The layout includes five main areas of public open space (POS). Firstly, a Central Green near the south eastern edge. This will adjoin with an area of POS in the adjacent development. It includes an equipped play area (LEAP), trees and a SuDS pond. Secondly, a Green Link which extends roughly north west from the Central Green towards Drove Lane and includes three further SuDS features. Thirdly, a small area between two of the apartment buildings towards the eastern corner. Fourthly, a large rectangular shaped space between Main Road and an existing hedge. This area includes the old Arundel to Portsmouth Canal.

The final area of POS consists of several linked areas around the perimeter of the site which also includes 7 SuDS pond features. The Landscape plans together with the detailed play provision plans describe the play provision consisting of 1 LEAP and 4 LAP (unequipped). The total POS provision is 2.57 hectares and this excludes the SuDS within these areas.

The main Spine Road (including where it meets the site access) will be 5.5m wide. The secondary access roads are 4.8m wide and some of the minor roads/cul-de-sacs are 4.1m wide.

SITE AREA	Approximately 13.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	22.9 dwellings per hectare (dph) gross density.
TOPOGRAPHY	Predominantly flat but slightly raised above the level of Main

TREES	<p>Road and Drove Lane by approximately 1m.</p> <p>A number of trees within the site (along the south east boundary with the other part of site SD7) are protected by TPO/Y/4/18. According to the Tree Survey submitted with the previous application, Y/78/20/RES, one Ash tree would need to be felled if it became infected with Ash Die Back disease.</p>
BOUNDARY TREATMENT	<p>The "sheep field" which fronts Main Road features railings along the northern and western boundaries with Drove Lane. There is then a hedge separating this from the main part of the site. Other boundaries are either open, formed by hedging or consist of timber fencing to existing dwellings.</p>
SITE CHARACTERISTICS	<p>The site comprises a large arable field and a small pastoral field adjacent to the settlement boundary. The pastoral field which is situated adjacent to Yapton Road falls within a Conservation Area and is crossed by the remnants of the Portsmouth and Arundel Canal. The application site forms part of the strategic allocation SD7 within the Arun Local Plan.</p> <p>The northern most field constituting the application site is situated immediately adjacent to Main Road and features railings along the northern and western boundary with Drove Lane. This is known locally as the "sheep field". The southern most boundary of the site features hedgerow which separates the field from the main arable field. The arable field features open boundaries to the west and south with hedgerows situated along the eastern boundary of the site.</p>
CHARACTER OF LOCALITY	<p>The character of the locality is predominantly rural with the application site situated within the built up area boundary with existing residential development present along the northern and eastern boundaries of the site. Agricultural fields are situated to the south, east and west of the application site. The Yapton conservation area is situated to the north-east. There are also a number of Listed Buildings along Main Road on the opposite side of the NE boundary frontage.</p>

RELEVANT SITE HISTORY

Y/127/21/RES	<p>Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works (resubmission following Y/152/20/RES). this site is not CIL Liable as in Yapton Strategic Site.</p>
Y/152/20/RES	<p>Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No. dwellings with associated parking, road/footway/</p> <p style="text-align: right;">Withdrawn 22-04-21</p>

cycleway provision, open space, landscaping, surface water attenuation & ancillary works.

Y/127/20/PL	Construction of new access to serve residential development. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road Conservation Area & the site falls within Strategic Site SD7 (Zero Rated).	ApproveConditionally 01-02-21
Y/78/20/RES	Approval of reserved matters following outline consent Y/92/17/OUT for 300 No.dwellings covering landscape, layout, public open space, drainage, scale & external appearance. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).	Refused 07-12-20
Y/92/17/OUT	Outline application with all matters reserved save access, for up to 300 dwellings, link road, surface drainage, open space and landscaping. Departure from the Development Plan and Access route is within the Yapton (Main Road) Conservation Area.	App Cond with S106 31-05-19

Outline permission for up to 300 dwellings was granted under Y/92/17/OUT with details of the access. This permission was granted subject to 31 conditions and a Section 106 Legal Agreement. One of the conditions required the approval of a Design Code masterplan which would then shape and guide the reserved matters submission. This condition was discharged in late July 2020 on the basis of the "Yapton SD7 Design Code - Masterplan" Rev C (July 2020).

Pre-application advice on this scheme was given in July 2020 at which time it was concluded that that the proposed layout was broadly acceptable but needed more work. In particular, concerns were expressed regarding the size of the Central Green area of POS, how the peripheral areas of POS will be managed in respect of the presence of SUDS features, site permeability & legibility and the proposed housing mix.

A reserved matters application was subsequently lodged in August 2020 but was refused for the following three reasons:

(1) By reference to the amount of public open space & play, the amount of amenity space to the apartment buildings/other flatted forms of development, the size of private rear gardens afforded to certain residential dwellings, the mix of housing sizes, the relationship of new housing to existing residential properties, the interface distances between proposed dwellings, the treatment of bin stores for the communal buildings, the size and treatment of the two centrally located public open space areas and the lack of a cycle path through the Green Link area of public open space; the proposal does not achieve

a high standard of design quality and represents an overdevelopment of the site in conflict with Arun Local Plan policies OSR DM1, D DM1, H DM1, H SP2, T DM1, QE SP1; Yapton Neighbourhood Development Plan policy H2, the "Open Space, Playing Pitches, Indoor and Built Sports Facilities" SPD, the emerging Arun Design Guide SPD and the National Planning Policy Framework and National Design Guide.

(2) The proposed layout is unacceptable having regard to the large clusters of affordable housing, the failure to ensure that all dwellings are tenure blind and the separation of only affordable housing gardens with chain-link fences. The proposal does not ensure that the affordable housing is visually indistinguishable from market housing and the proposal is therefore contrary to Arun Local Plan policy AH SP2, the emerging Arun Design Guide SPD and the National Planning Policy Framework.

(3) Insufficient information has been provided to adequately demonstrate that the proposal would fully prioritise sustainable transport modes and would not have an unacceptable impact on highway safety and the proposal is therefore in conflict with Arun Local Plan policies T DM1 and T SP1 and the National Planning Policy Framework.

An appeal has been submitted following this decision and the applicants have expressed a wish for this to be dealt with by an Informal Hearing. The Councils appeal statement is required by the 9th November 2021.

A standalone application for the access improvement works to Drove Lane & the junction with Main Road was granted in February 2021 by ref Y/127/20/PL. There are two current applications in for determination concerning a temporary sales cabin and associated adverts.

The other half of the strategic allocation SD7 benefits from its own outline permission ref Y/91/17/OUT but the afore mentioned Design Code also covers this site (i.e. it is one Code for the development of both halves of the SD7 allocation). A reserved matters application for that site was withdrawn in April 2021 following officer concerns (ref Y/152/20/RES) but was resubmitted in early September under ref Y/127/21/RES.

REPRESENTATIONS

Yapton Parish Council originally stated that they support the application conditional upon:

- (a) All PRow must have sufficient width to cater for all non-vehicular modes of travel especially wheelchair users and double buggies to ensure safe and sustainable travel for all.
- (b) All PRow must be designed to allow for future growth of landscaping without this growth compromising the proposed useable width of path.
- (c) Play areas must be designed away from any water collection pools which are predicted to hold water for any period of time. This is to reduce risk of drowning should children using the play areas not be supervised.
- (d) The design code applied to the scheme must remain in line with that submitted with the outline application and that of ADC's Design Code especially in terms of materials and key streetscapes.

In addition, 9 letters of objection raising the following concerns:

- (1) Harm to heritage assets;
- (2) Application should be suspended until the applicant has responded to the Conservation Officer comments
- (3) No proposals for the protection/enhancement/restoration of the canal & bridge;
- (4) Need canal path upgrade - make this 3m wide;

- (5) No integration with existing housing / need more routes into adjacent development;
- (6) Cycle vouchers should be provided to new residents;
- (7) Cyclists should have priority within the layout;
- (8) Houses are too close to the canal path;
- (9) The open space to the frontage serves no purpose / should be relocated to flank both sides of the canal;
- (10) Need a better design for the Drove Park brick wall artwork (e.g. representation of a canal bridge);
- (11) No bridleway provision;
- (12) Need Multi User Path upgrade to the path towards Tack Lee Road otherwise the application does not support active travel;
- (13) Drove Lane should not be altered; and
- (14) Construction hours should be restricted to 8am-6pm M-F and 8am-1pm Sat.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

It is considered that the application meets the conditional requirements as set out below:

- (a) There are designated PRoW on the north eastern edge (along the hedge next to the canal) and south eastern edge (where the site joins the Hyde site). These are shown to be 2m wide and they are existing PRoWs.
- (b) In both cases, the PRoW paths will have grass or meadow planting alongside them. No new trees will be planted that could grow over these paths.
- (c) There are two Local Areas of Play shown adjacent to one or more wet SuDS features however, in both cases the play areas will be fenced. This is acceptable to the Councils Landscape Officer.
- (d) The scheme is now in accordance with the Design Code.

The Parish subsequently provided the following further comments on 20/05/21:

- The proposal represents a perceived 'squeezing' of the original outline consented scheme's 'open' design and generous setting out of plots and open space;
- YPC would welcome improved public landscaping and green connectivity with all parts of the village and further afield;
- However, YPC accept that this would result in the loss of plot numbers and this is not achievable due to the site being a strategic allocation;
- YPC have a preference for the provision of new small dwellings in order to allow for the recycling of existing housing stock but also for new larger housing (3/4 beds) to provide much needed family housing to ensure a stable and less transient community in a rural location;
- Landscaping should be substantial and it is considered that the southwestern boundary and that along Drove Lane have been reduced down in terms of landscaped buffer; and
- YPC would prefer a less dense scheme with more landscaping.

The Parish were notified of the September amendments to the scheme and any comments received will be reported by update to the Committee.

LOCAL RESIDENTS:

It was decided at the outline stage (Y/92/17/OUT) that adding a formal route along the canal and/or removing the existing hedge would be to detrimental to the setting of the heritage asset (the historic canal) and consequently, no provisions were put in place regarding this. The Councils Conservation Officer has advised no objections to the creation of a multi user route extending further up the canal

route with information boards etc. However, the Conservation Officer also states that the retention of the existing mature hedgerow alongside the canal will reduce the impact of the development upon the various heritage assets and is a positive approach - therefore, by definition, there would be an objection to its removal to open up the canal to the existing path.

At the outline stage, it was requested that the scheme include a segregated cycle route through the whole of the SD7 site (so together with Y/91/17/OUT) to provide safe cycle access between Main Road and Bilsham Road. In addition, the scheme provides numerous footpath routes both through and around the site. There was no similar provision put in place for a bridleway despite this being raised by residents at the time and despite access being determined at that time. Nevertheless, it cannot be said that the application does not encourage active travel. It is acknowledged that the officer report from application Y/92/17/OUT did not respond to the residents requests for a bridleway.

A condition of the outline requires the agreement of a Travel Plan and this could involve the provision of cycle vouchers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Express concern that the condition recommended by them at outline stage were not included in the recommendation. The condition in question would have prevented any more than 199 dwellings from being occupied until the A27/Yapton Lane junction improvement had been completed. State that the non-inclusion of this condition would have required approval by the Secretary of State for Transport and that therefore the outline decision was ultra vires.

SOUTHERN WATER - No objections to the reserved matters application for appearance, landscaping, layout and scale.

SUSSEX POLICE - No objections but their response on the website dated 21/04/21 lists a number of advisory notes regarding improving security.

WSCC FIRE & RESCUE - Request a fire hydrant condition.

WSCC HIGHWAYS - Originally requested more information but in subsequent comments dated 06 July 2021, stated that these had all been resolved and that subject to appropriately worded conditions, there would be no concerns with the layout.

WSCC RIGHTS OF WAY - Comment that:

- The applicant needs private rights of access with a vehicle from the landowner to use Drove Lane (FP155).
- Where footpath FP155 along Drove Lane currently intersects FP200-1 and forms a new junction with Main Road, any change to the legal line of either or both Public Rights of Ways will require an application to ADC to divert via a Public Path Order (PPO).
- Request upgrading of FP200-1 and FP157 to 4m wide and surfaced to achieve bridleway status.
- Public access to designated footpaths must be ensured at all times.

ADC DRAINAGE ENGINEERS - Advise a holding objection due to insufficient information being supplied in order to agree the drainage solution for the layout. There are 12 points in their response that will need to be resolved to resolve the objection.

ADC ENVIRONMENTAL HEALTH - No comment.

ADC LANDSCAPE OFFICER - No objection but states that the planting maintenance specification details are missing and that hoggin pathways are not suitable as these do not provide year round accessibility for wheeled/pedestrian users and can become maintenance prone in highly trafficked areas. Recommends that all pathways be tarmac. Also states that the SuDs features should not be advertised as POS as they can become hazardous when wet. These areas should be fully ROSPA certified. Comments that:

- The landscaping scheme is well thought out;
- The POS areas around the periphery will form a pleasant setting to the development;
- The green corridor through the site will aid wildlife and enhance biodiversity;
- Pedestrian and cycle routes should be in accordance with WSCC PRoW Criteria;
- No concerns with the amount or type of POS provision;
- Generally pleased with the indicative play offer but that further detail will need to be submitted re the detailed provision including equipment choice, inclusive provision, surfacing, fencing and path connectivity.

ADC CONSERVATION OFFICER - Originally advised that the proposed development will result in "less than substantial harm" in accordance with the NPPF (2021) and that this would be on the lower end of the spectrum. Therefore, advised that it will be necessary to consider the public benefits that the development may achieve as part of the application assessment. In particular, commented that:

- The design of the houses fronting the Conservation Area is not appropriate. The designs are closely related to others in the development and the materials include modern types such as concrete tiles.
- Need to ensure that the existing fencing along Main Road/Yapton Road is preserved and it is disappointing not to see any proposals in respect of these.
- There will be a negative impact on the special architectural and historic interest (significance) of some of the designated heritage assets by virtue of the proposals altering their settings.

Has reviewed the changes made in September (which included extra variation and roofscape changes to plots 1-8 & 16-23 which face the Conservation Area boundary) but states that these do not overcome the previous concerns.

ADC HOUSING STRATEGY & ENABLING MANAGER - Originally stated no objection to the proposed housing mix of affordable housing but had a preference for the tenure of several of the 2 bedroom maisonettes to be switched to market housing and replaced with 2 bedroom houses for rent, to better meet the needs of those on the housing register. This would also then result in the affordable housing being more dispersed and less clustered. Subsequent comments received in September 2021 state no objection to the proposed affordable housing tenure mix.

COUNCIL's ARCHAEOLOGIST - State that the archaeological evaluation of this site and any subsequent mitigation measures will be covered by the archaeology condition imposed on Y/92/17/OUT. An outstanding element of this is the recording of the remains of the canal bridge at the north-west corner of the site, in order to mitigate the effects of the construction of the access road.

COUNCIL's ECOLOGIST - No objection. Request conditions concerning buffer strips around hedges, enhancement of hedges, surveying of any trees to be felled, lighting scheme, bat bricks and bird boxes, hedgehog boxes, retention of bramble to site margins and a precautionary approach re reptiles. Also states that the biodiversity enhancements recommended within the Biodiversity Enhancement Plan (Aug 2020) are suitable.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - It is acknowledged that the Local Planning Authority made a mistake in not notifying the Secretary of State of its intention to grant the outline planning permission without the requested condition. The reason for this was that the A27 junction improvements were to be delivered in association with two different sites (Tye Lane, Walberton or Stakers Farm, Yapton), whichever came first. Therefore, it was not considered necessary to impose a restriction on this permission also. The Council has obtained legal advice which confirms that the outline permission is still valid. It is also not considered reasonable to impose this condition on this Reserved Matters permission as the condition does not relate to one of the reserved matters.

WSCC HIGHWAYS - It should be noted that there are conditions on the outline permission which require the separate approval of EV charge point provision and lighting within the site. WSCC were consulted on the amended plans in September and confirmed on 07/10/21 that they have no objections subject to certain conditions. One of the requested conditions requires that the access be provided prior to occupation but this is already a condition on the Outline. The other requested conditions are included.

ADC LANDSCAPE OFFICER - Conditions will be imposed to secure an alternative surfacing to the paths and to require that the applicant demonstrate ROSPA certification for the POS and SuDS areas.

ADC CONSERVATION OFFICER - The Conservation Officer has reviewed the changes made and any comments received will be reported by update to the Committee.

COUNCIL'S ECOLOGIST - Mitigation measures were considered by the outline application and condition 13 was imposed to require that the reserved matters be substantially in accordance with the previous 'Habitat and Ecological Enhancement Management Plan'. The comments of the ecologist on the previous application (Y/78/20/RES) stated that no extra conditions were required.

POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary;
 Strategic Housing Allocation ref SD7;
 Part within the Main Road/Church Road Conservation Area;
 Potentially affecting setting of Grade II Listed Buildings on Main Road;
 Remnants of Portsmouth to Arundel (Arun-Wey) Canal;
 Archaeological Notification Area;
 Flood Zone 1;
 Public Rights of Way (YAP/200_1/6; YAP/157/3; YAP/157/4 & YAP/155/2);
 TPO/Y/4/18

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees

ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM5	HER DM5 Remnants of the Portsmouth and Arundel Canal
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E6	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E10	The former Portsmouth and Arundel Canal
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD6	Archaeology
SPD11	Arun Parking Standards 2020
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Yapton Neighbourhood Development Plan (YNDP) have been considered within this report. Yapton are currently working on a revised YNDP and have completed a regulation 14 consultation. However, it is considered that the emerging Plan can be attributed only low weight at this time.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing residents or the existing road and public footpath network.

Part of the site is within a Conservation Area and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal also affects the setting of nearby Grade II Listed buildings and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these in that it preserves the character of the Conservation Area by not developing upon the part of the site within this designation and maintaining the hedge between the Conservation Area & Listed Buildings and the new houses.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the ALP takes precedence over the YNDP should there be a conflict between the two.

The principle of development has already been established by the outline permission Y/92/17/OUT which granted permission for up to 300 dwellings with access from Drove Lane. This permission established the principle of development including flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage (the principle of up to 300 new dwellings connecting to the network) and the provision of affordable housing, public open space, children's play & other infrastructure.

This permission was for half of the overall SD7 site allocation in the Local Plan with Y/91/17/OUT forming the other half. The outline permission included the need for cycle/pedestrian/vehicle access through both sites to provide a new connection between Main Road and Bilsham Road.

COMPLIANCE WITH OUTLINE CONDITIONS:

Certain conditions imposed by the outline permission set parameters for the nature and form of the Reserved Matters submission and these are analysed below.

Condition (3) states that the development shall be carried out in accordance with the approved plans including the Parameter Plan (ref 1244L.02) and the Proposed Site Access Plan (ref 14-111/301). The development is in accordance with these drawings.

Condition (6) required that a Design Code Masterplan be approved prior to submission of the Reserved Matters and that the development then be prepared and carried out in accordance with the approved Design Code. A Design Code was approved by ref Y/41/20/DOC before the submission of the Reserved Matters and the proposed development is in accordance with the Code.

Condition (7) sets out requirements in respect of the content of the landscape details to be submitted with the Reserved Matters. The Landscape Officer has assessed the submission and raises no objection.

Conditions (9) and (12) require that the details of the proposed surface water and foul drainage schemes be agreed prior to the approval of any reserved matter. However, the wording of these conditions was amended by virtue of Y/21/21/NMA so that the details must instead be agreed prior to commencement. Therefore, these matters no longer need to be considered at this time.

Condition (13) requires that the reserved matters application be substantially in accordance with the approved wildlife enhancement plan. The application includes an updated ecological walkover survey

and a biodiversity net gain statement. The Council's Ecologist stated no objection in respect of the same information presented with Y/78/20/RES.

Condition (26) sets out the requirement that 25% of the 1, 2 & 3 bed dwellings be delivered to Lifetime Home standards. Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations. This is considered elsewhere in the report.

HERITAGE:

A small rectangular area of the site (the open space between Main Road and the existing hedge) is within the "Yapton, Main Road/Church Road" Conservation Area. This designation also extends south eastwards meaning that the entire north east boundary of the site is either within or adjacent to the Conservation Area. There are some listed buildings along the Main Road frontage and the setting of these will be affected.

In addition, the site is crossed by the remnants of the Portsmouth to Arundel Canal and it has been identified that the remains of a former bridge lie in one corner of the site. Finally, Drove Lane itself has been acknowledged as being part of a former historic droving route. It should be noted that this has already been adapted (at a date well before this application) to provide vehicular access and features a tarmac surface where it runs adjacent to the northern boundary of the site. Nevertheless, Drove Lane, the canal and associated features are considered to be non-designated heritage assets.

Arun Local Plan (ALP) policies HER SP1, HER DM1, HER DM3 & HER DM5 and Yapton Neighbourhood Development Plan (YNDP) policies E8, E9 & E10 are all relevant however E9 only concerns the loss of Listed Buildings and does not refer to impacts on setting. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant and these are set out in full in the "Development Plan Background" section above.

The National Planning Policy Framework (NPPF) sets out several steps that must be followed when considering impact on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202).

Separately, in respect of non-designated heritage assets (Drove Lane & the canal), it is necessary to refer to the guidance in para 203 of the NPPF. This states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Heritage impact was considered at the outline stage at which time it was concluded that the proposal would not impact on the significance of Drove Lane, that the line of the canal would remain intact & unaffected and that although the proposal would result in 'less than substantial harm' to the Conservation Area and Listed Buildings, the level of public benefit would outweigh this impact.

The assessment at outline stage was on the basis that there would be no physical development in the sheep field at the front of the site (being within the Conservation Area & crossed by the canal) and that the boundary with Drove Lane would have open space & landscaping adjacent to it. This situation has not changed. However, the Council was not aware of the existence of the canal bridge remains (a non-designated heritage asset) at the time of the previous outline as this was only brought to the attention of

officers at the time of Y/78/20/RES.

There will be no direct physical impact on the nearby heritage assets but the proposal will have an impact on the setting in which such assets (both designed and non-designated) are experienced. However, this is mitigated by the retention of the hedge alongside the canal, the proposal to leave the 'sheep field' (within the Conservation Area) as is the fact that Drove Lane is already hard surfaced.

The Conservation Officer did have some concerns regarding the design & appearance of the houses fronting the conservation area and also with proposals for the boundary treatment of the conservation area and the Yapton Road/Main Road frontage. The applicant has since made improvements to the treatment of the dwellings closest to the Conservation Area boundary and the Conservation Officer has been asked to consider this further.

However, overall, it is stated that the proposal results in less than substantial harm to the heritage assets (and on the lower end of the scale). The Local Planning Authority accepts this view particularly as it reflects the officer advice given on the outline application. As such, it is necessary to weigh this harm against the public benefits that the development may achieve. In this case the proposal will:

- provide 300 homes to contribute to the Councils current housing land supply shortfall/meet future needs;
- provide new affordable housing;
- provide new public open space & play facilities available for use by existing & new residents;
- provide new & enhanced public foot & cycle paths available for use by existing & new residents to provide safer access between Main Road and Bilsham Road (albeit subject to delivery of the other half of the strategic allocation SD7);
- provide the developer contributions and other infrastructure improvements as set out in the s106 Agreement for application Y/92/17/OUT;
- provide an increase in Council Tax receipts;
- provide potential 'New Homes Bonus' payments from the Government;
- either create new construction jobs or help to maintain existing ones; and
- result in additional spending by new residents on goods & services including within the local area.

The public benefits are of a level that the 'less than substantial harm' can be outweighed and that the proposal can be considered in accordance with the NPPF guidance and therefore compliant with the relevant development plan policies.

Separately, the Councils Archaeologist has identified that the remains of the old Drove Lane canal bridge survive as earthworks containing brickwork in a hedgerow on the west side of Drove Lane. This was not previously known when the outline application was approved and the access arrangements were agreed. Part of these arrangements were to ensure vehicular access to the nursery/scout-hut and this means that it will not be possible to preserve all of the remains in-situ. The archaeologist previously stated (in respect of Y/78/20/RES) that the remains of the southern embankment & abutment can be preserved in-situ, whereas the northern section of the bridge remains would be affected by the new access to the nursery & scout hut.

The applicant previously stated agreement to record the structure and relocate the northern part as a feature elsewhere on the site. The archaeologist considers that this can be secured through the second stage of the agreed Written Scheme of Investigation. Nevertheless this would result in direct harm to the canal bridge remains by virtue of their removal from the line of the canal.

Para 203 of the NPPF advises that harm to non-designated heritage assets should be subject to a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage

asset. It is preferable to retain the whole of the asset in situ but in the circumstances, removal and retention of one half would be appropriate with the other half being left as is. The harm to the bridge remains does also result in public benefits in respect of improved access to the nursery & scout hut and provision of part of a new cyclist route between Bilsham Road and Main Road. This outweighs the harm to the remains of the existing northern bridge.

In respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of such designated heritage assets will be subject to some harm, it is not considered this harm is significant and can be outweighed by the strength of the public benefits. Furthermore, the harm to the non-designated assets is acceptable also on the basis of the public benefits arising from the development. There is no conflict with the relevant development plan policies.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1, D SP1 and LAN DM1 are all relevant in respect of design and character. In addition policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters. There are no design policies in the YNDP.

The National Design Guide (NDG) is a material consideration in the determination of this application and the applicant has provided a written response to the this which has been accepted.

The Arun Design Guide is also a material consideration. It suggests a density of 15-25 for detached/semi-detached houses in village locations and states that density should decrease with distance from the centre of a settlement, to ensure that development relates sensitively to its setting and addresses the edges of the site in a positive way. It states that this is particularly important to development which is adjacent to the settlement particularly where there are open fields. The overall site density of 22.9 does accord with this and it is also clear that the density is lower towards the southern edge of the site (where it adjoins with fields).

This proposal benefits from an approved Design Code which itself was designed & developed to be in accordance with the parameter plan referred to in condition 3 of Y/92/17/OUT, the NDG and the then emerging Design Guide. It is a requirement that the layout is in accordance with the parameter plan referred to in condition 3 of Y/92/17/OUT and with the Design Code. This requirement has been met.

The proposed layout has been thoroughly assessed and is acceptable in terms of how it follows the Design Code in respect of: the street patterns, road hierarchies, character areas, density & scale, Public Open Space (POS) locations and foot & cycle paths. The Local Planning Authority (LPA) previously had several concerns with the layout presented on this application and was of the view that a lower number of dwellings was required in order to resolve all of the issues. However, the applicant has managed to resolve the concerns instead by reducing the number of 4 bedroom detached dwellings to create more space within the layout.

The proposed size of the Central Green POS area has now been accepted and the two adjoining applicants have worked together to ensure that the dwellings bordering it (particularly on the north east edge) are not at odds with each other in design and appearance. The dwellings bordering the Central Green are now in accordance with the Design Code.

The previous concerns with the placement of three SuDS ponds within the Green Link (which were felt to diminish the usability & amenity value of this space) have also been resolved as the applicant has confirmed that these will only contain water during storm events. A document containing images of examples elsewhere has been provided. It should also be noted that the total amount of POS across the site exceeds the requirements.

The applicant has also improved the layout of houses fronting onto the Green Link. Previously, the north-eastern edge of the main section had houses fronting onto a footpath but the opposite (south-western) edge had a much harder edge with boundary railings onto a road/parking spaces. This was not consistent and not in accordance with the Design Code. The applicant has redesigned this area including relocating a maisonette block, added shared surfacing to sections of road adjoining it, made both edges softer and added a cycle link. In addition, the road that cut across the Green Link on the edge of the site has been cut (leaving only a path between plots 170 & 205).

There was previously a concern with the clustering of affordable housing within the scheme as there were originally two clear clusters. It is acknowledged that affordable housing provides have a preference for homes to be sited near to each other for ease of management and maintenance, however, it was considered that the homes could still be better spread through the scheme. The applicant has made changes to the location of the affordable homes.

It was also previously considered that there were several instances through the scheme of non on-plot parking or parking to plot relationships that could result in inconvenience or confusion to future occupiers. The applicant has redesigned some of the parking arrangements and whilst there remain some instances of parking spaces not being directly outside the dwelling that they belong to, as a whole, the parking layout is now acceptable. The applicant has also ensured compliance with the Design Code in that parking spaces adjacent to the important roads are either landscaped or are not in large blocks.

There have been other changes in respect of amenity space, relationships to existing dwellings and distances between new dwellings and these are considered elsewhere in this report. Likewise communal amenity space for the maisonette blocks is considered elsewhere but it is relevant here as the applicant has redesigned the layout so that these spaces better relate to the blocks which they serve allowing future residents to easily step out of their doors to access the spaces.

In respect of scale, it is noted that buildings on the site are predominantly two storeys with only the four maisonette buildings being higher (these have a third storey in the roof). The location of these four buildings is considered to be acceptable in scale terms as they are either within the centre of the site or otherwise away from the site edges such that they will have limited visibility from existing residential occupiers/surrounding public routes. The proposed scale of these and the whole of the site was also agreed by the approved Design Code.

The Design Code sets out a design rationale for the appearance of the houses in each of the three character areas on the site. These areas are "Canal Green" (which fronts the Conservation Area), Drove Park (broadly the central third of the site) and Drove Field (the third bordering the agricultural land to the south-western edge).

It is noted that there are instances of the same house type in different character areas, however, the elevation drawings make it clear that those in each character area have their own identity based on the different typologies in the Design Code. These cover building materials, roof types, roof features, bay windows, eaves detailing, chimneys, porches, window & door styles and boundary treatments. It is considered that proposed hard and soft development in each of the character areas is distinctive.

In the Canal Green area which is closest to the Conservation Area, buildings are all two storeys in height and vary between detached and terraced types. Built forms vary in depth, spacing and facade arrangements. Some buildings have wide, flat frontage others with facade articulation, some with fairly broad facades and others very narrow. The varied depths of the buildings also adjust the heights of the roof along with facade articulation varying the roofscape. Key buildings are proposed at movement junctures but it is considered that all buildings will have a sense of individuality. Buildings materials draw

from features in the conservation area and around Yapton. Materials are predominantly red brick with historic forms of detailing such as quoins, splay bays and flint work. Each building will have different arrangements to reinforce individuality.

There was a concern (as expressed above under heritage) with those particular houses within Canal Green that face towards the Conservation Area (plots 1-8 & 16-23). The plans suggest that this streetscene will feature only 3 different house types (MOR, ELL & BEW) repeated in a formal manner along this frontage. The applicant was advised that more subtle design changes and informal placement would better enhance this key frontage/edge of the Conservation Area. In response, they have added extra variation to these dwellings and changed the roofscapes. The Conservation Officer has been asked to assess the changes but in any case, the 'less than substantial' harm to heritage has been accepted due to the level of public benefits.

In the adjoining Drove Park area, the buildings are mostly two storeys in height and vary from detached to terraced types but including four instances of two and a half storey apartment buildings. Built forms vary in depth, spacing and facade arrangements. As with Canal Green, there is a mix of wide, flat frontage others with facade articulation, broad facades and very narrow. Key buildings are again located at movement junctures. There is a stronger sense of uniformity in this area but all buildings will retain a sense of individuality. Buildings materials will be more contemporary - predominantly red brick with dark grey detailing and regular use of light coloured boarding. Detailing including square bays at ground floor is included.

Lastly, in the Drove Field area, the buildings are all two storeys in height being mostly detached in form. There are also some semi-detached and short terraces are used on Lanes. Built forms vary in depth and most have fairly broad facades. The varied depths of buildings also vary the heights of the roof along with facade articulation further varying the roofscape. Key buildings are located at movement junctures. The buildings will have an identifiable form that defines this area. Buildings materials will draw from agricultural references in the local area and so feature a mix of red brick, quoins, black boarding. Adjacent plots will also often have different arrangements to reinforce individuality.

Therefore, the Design Code has been followed in terms of how the houses/buildings, roads, public realm and landscaping have been designed and the proposal accords with the relevant development plan policies, the Arun Design Guide SPD and the National Design Guide.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 and HWB SP1 are relevant but there is no applicable YNDP policy. However, the Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

It is noted that the amounts of POS and play were not set by the outline permission but that a contribution of £32,727.27 to an offsite Neighbourhood Equipped Area for Play (NEAP) was included in the s106 Agreement. Together with the contribution for application Y/91/17/OUT, this equated to a total of £60,000.

On the basis of this contribution towards an off-site NEAP, it is reasonable to discount the requirements for on-site play space requirements. In terms of the POS requirement, the development should provide at least the minimum Open Space requirements as detailed in the SPD which is 21,120m² and that this must be demonstrated to be all useable space. Therefore, the overall space requirement is 24,604.4m² (or 2.46ha).

The application is accompanied by a POS Area plan shaded to show which areas have been counted. This demonstrates a total provision of 2.57ha and this total excludes the SuDS drainage features. The Councils Landscape Officer raises no concerns with the spaces that have been included in the overall figure. As set out above, the applicant has also provided clarification in respect of the usability of the SuDS features within the Green Link.

In respect of play provision, the requirements are for 1 Locally Equipped Area for Play (LEAP) and 2 Local Areas for Play (LAP) with the additional space requirements being met by informal 'buffer' area spaces. The application shows the location of a LEAP within the Central Green and also indicates four LAP's spread throughout the site. The additional play area plans also show a sufficient level of detail to approve these. It is noted that the LEAP will be 20m from the nearest dwellings as per SPD requirement.

There is no conflict with ALP policy OSR DM1 or the Council's Open Space SPD.

LANDSCAPING & TREES:

ALP policies D DM1, LAN DM1 and D SP1 are all relevant as is YNDP policy E4. Several trees on the site are protected by TPO but these are all within the tree belt along the south east boundary and are not at risk from the proposed development. There are tree protection measures built into condition 8 of the outline permission which require that an Arboricultural Method Statement and Tree Protection Plan be submitted prior to commencement of each phase.

The submission includes detailed landscape drawings and these have been assessed by the Councils landscape officer who considers them to represent a well-designed scheme. The officer notes that the POS areas around the periphery will form a pleasant setting to the development and that the Green Link through the site will aid wildlife and enhance biodiversity.

The application proposes to plant around 370 new trees as well as around 400m of new hedgerow plus plants, shrubs and other new soft landscaping features. It is considered that the proposed hard surfacing treatments are varied and that the mix of boundary treatments is also acceptable. It is also noted that the latter includes the use of brick and flint in key public realm locations.

There is a minor concern in that the submitted landscape plan number JBA-19-291-10 Rev G refers to a Measured Works Schedule but this has not been provided. This document is said to provide the details of the various seed mixes to be used in the ground level vegetation in the POS and landscaped areas. However, this can be sought through a condition. Overall, there is sufficient information to make a determination on the landscaping aspects of the proposed development and there are no conflicts with any of the relevant development plan policies.

OTHER MATTERS:

(A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The proposed development comprises the following mix (expressed as the number and % of market only units (210) and also the number and % of market & affordable combined (300) in order to show compliance with both of the above housing mix ranges):

- 0 / 16 x 1 bed dwellings (0% / 5%);
- 58 / 95 x 2-bed dwellings (28% / 32%);
- 93 / 124 x 3-bed dwellings (44% / 41%);
- 59 / 65 x 4-bed dwellings (28% / 22%).

The applicant has revised the mix to reduce the number of large 4 bed detached dwellings in favour of an increase in 2 bedroom dwellings. The application also states that the proposed development delivers over two-thirds of the scheme as 2 & 3 bed dwellings (219) which is consistent with the broad objectives of the 2012 and 2016 SHMA. The higher percentage of family dwellings is stated to be justified when considered against the parameters and associated density contained within the Design Code and the current trend towards working from home.

The above assessment suggests that none of the proposed mix accords with the table set out in the SHMA and that only the number of 2 bed dwellings is in accordance with the mix set by YNDP policy H2. As such, there is conflict with both of the development plan policies. However, it is material that the applicant has reduced the number of 4 beds within the scheme to take account of previous officer concerns and that YPC have stated a preference for the provision of both new small dwellings and also for new larger housing and the mix achieves both. It is also material that the SHMA was last updated in 2016 and that the YNDP policy is from 2014 and as such no objection is raised.

(B) Housing for Older People

Condition 26 of the Outline Permission set out a requirement that 25% of the 1, 2 & 3 bed dwellings be delivered to Lifetime Home standards (so a total of 7 dwellings). Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations. This would mean that at least 56 of the 225 1/2/3 bed dwellings should be part M compliant.

The Local Planning Authority has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is neither adopted policy nor a supplementary planning document but is considered to have some weight as a material planning consideration.

This requires that 150 of the proposed homes (50%) are designed to the M4(2) standard, that 12 homes are also designed to meet M4(3) i.e. be wheelchair accessible and that there be bungalows included.

Drawing PLN-1-1112 M4(2) Rev E confirms that 70 homes (29%) will be designed to meet part M4(2) of the Building Regulations and this exceeds the requirements of the condition by 14 homes which is positive. There is conflict with the ADC guidance but as this is not adopted policy and as the condition takes precedence over its requirements, a provision lower than the guidance requirements is appropriate.

(C) Residential Amenity

ALP policies D DM1 and QE SP1 are relevant. The Council's Design Guide sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

There are no concerns in respect of back-to-back distances but concerns were previously raised in respect of certain back-to-side and front-to-front distances. In response, the applicant has advised that front-to-front distances are not to the Design Guide standards as the widths of roads and treatment of front gardens, pavements etc takes its cues from the approved Design Code and the Manual for Streets. To make the front-to-front distances comply would require changes to the approved Design Code.

The applicants have also supplied a drawing (PLN-3-1118 Rev D) which shows those rear/front to side distances which do not meet the Design Guide and indicates the location of obscure glazing/ confirms instances where no windows are affected. The Design Guide is intended as guidance only therefore it is not appropriate to rigidly follow its requirements in every situation. It is also material that this development is to be designed as its own place and that the relaxation of certain standards can help to establish a sense of identity.

There was previously a concern with the interface to the existing bungalows on Tack Lee Road due to the difference in the number of storeys between proposed (2) & existing (1). The layout has been amended in this respect and now ensures a distance of 12m from the rear of the dwellings to the boundary of the site thus meeting the requirements of the Design Guide. Ground levels in this part of the site have also been adjusted to better reflect the existing ground level and so further mitigate overlooking.

There was also a concern with the relationship of plot 50 to 60b Tack Lee Road. The former has a first floor flank bathroom window which will face the side of the rear garden of the existing two storey dwelling. It is also noted that plot 50 will have a raised floor level (approx. 0.5m above ground level). In response, the applicant has moved plot 50 away from the shared boundary so there is now a 7m gap to the boundary and around 10m between the flanks of the respective dwellings. This is now acceptable as there will be no light loss or sense of overbearing and the window will be obscure glazed.

All other existing residential properties are either far enough away or benefit from existing landscape screening (such as between plot 72 & the rear of 60a/b Tack Lee Road).

The previous concerns have now been resolved and overall there is no conflicts with the relevant development plan policies. Whilst the proposal does not fully meet the Arun Design Guide, it is in accordance with the approved Design Code which in this application, takes precedence.

(D) Internal & External Space Standards

Drawing PLN-3-1118 Rev D confirms that all gardens exceed a depth of 10m. Whilst not all gardens achieve the 10.5m requirement, the 21m rear-to-rear facing distance is achieved in all respects so the shortfall does not adversely affect the living conditions of existing or future occupiers. Furthermore, the Design Guide allows for flexibility in the overall approach and is not a policy that must be rigidly followed.

On the previous application, it was noted that many of the dwellings had front gardens of less than 2m depth. There is nothing in the approved Design Code which would explain why certain front gardens do not meet this requirement. In response the applicant has stated that the proposals provide an area of front garden where practicable and that 55% of dwellings provide front gardens 2m+, increasing to 74% when set at 1.5m+. This is also acceptable as the Design Guide allows for a flexible approach.

The flatted properties consist of house types 1BM, 2BM, 2BF & ALV and the following is an assessment of their external amenity spaces:

- 1BM & 2BM (purpose built flats within the maisonettes). Ground floor flats have small gardens behind

approx. 1m hedges. These spaces appear to be at least 3m² and screened by a low hedge. The upper floor flats have 3m² balconies. These flatted buildings do also have policy compliant communal amenity space and there are now no objections with the placement of these.

- 2BF (Flats over Garage - plots 200 & 249). These are now shown to have a balcony on either the front or rear elevation.

- ALV (1 instance of a flat above an undercroft driveway - plot 119). This is now shown to have a balcony on the front.

The Design Guide is intended as guidance only and seeks for flexibility in its approach. As such the minor shortfall in some of the front and rear garden depths is accepted.

(E) Parking, Roads and Public Footpaths

ALP policies T DM1 & T SP1 and YNDP policy PK1 are relevant although the latter has lower weight due to the adoption of the Arun Parking Standards SPD. The advice of WSCC Highways is summarised above and they raise no objections to the layout subject to conditions. Furthermore, the access arrangements were approved by the outline planning permission. On this basis, any refusal on grounds of highway safety or conflict with policies T SP1 or T DM1 could not be sustained at appeal.

The Parking SPD requires a total of 665 allocated spaces and 60 visitor spaces (so a total of 725). In respect of parking provision, the layout proposes 648 allocated spaces (including 5 car ports & 110 garages treated as half a space each) plus 76 visitor spaces (so an overall total of 724). Therefore, the proposal has a shortfall in allocated spaces but an over provision of visitor spaces which compensates for this. As such, there is no conflict with the Parking Standards SPD.

Cycle parking is indicated to either be with cycle storage sheds, garages or communal stores. Elevations/details have been provided except in the case of the sheds within gardens and so a condition is required to agree these.

Given that the site layout respects & enhances existing public rights of way and provides new foot and cycle paths through and around the housing layout, there is compliance with Policy T DM1 and with the Parking Standards SPD.

(F) Waste Management

ALP policy WM DM1 is relevant but there are no issues with refuse vehicles accessing the site from Main Road and the application includes details of both individual bin storage locations, communal bin stores and collection points for bin days. The design approach in respect of the bin stores for the apartment buildings is also now acceptable.

Overall, it is considered that the application achieves sufficient provision for the storage of waste and that kerbside collection is possible for all dwellings such that there is no conflict with the requirements of policy WM DM1.

(G) Surface Water Drainage

This is a separate matter as drainage is covered by conditions 9, 10 & 11 on the outline planning permission and will be agreed through the discharge of such conditions. However, Engineers state that the layout needs to be considered concurrently with drainage to ensure that there is sufficient space allowed within for the required drainage features.

ALP Policy W DM3 and YNDP policy E11 are both relevant. The applicant has provided a surface water

drainage plan which shows a mix of surface water sewers, drains & gulleys, modular storage, detention basins (ponds), soakaways, permeable paving and swales. The majority of the detention basins (ponds) are within the POS to the edges of the site but also within the Central Green POS and within the Green Link POS which extends roughly north west from the Central Green towards Drove Lane.

It is also apparent from the submission that levels are to be raised across the site, most notably in the central areas and to the edges of the site (albeit that levels are not now increasing where the site backs on to 44-60 Tack Lee Road). The applicant has stated that this is unavoidable due to the need to facilitate surface water runoff to the site edges and away from the boundary with Tack Lee Road.

The Councils Engineers have raised a holding objection on the basis of insufficient information having been supplied to enable the drainage scheme to be fully agreed at this stage. Negotiations on this matter are ongoing but the objection persists.

Condition 9 of Y/92/17/OUT originally stated that the drainage scheme had to be agreed prior to approval of any reserved matter. However, the condition has now been altered by Y/21/21/NMA to require approval prior to commencement.

A similar approach can therefore be taken here to how other applications in the local area (such as the land at Bonhams Field opposite) have been determined. In these cases, it was made clear that if the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. These other permissions represent material considerations that serve to outweigh the policy conflicts. On this basis, this reserved matters application can be determined without the full support of drainage engineers and therefore it is not necessary to demonstrate compliance with policy W DM3 at this time.

(H) Biodiversity Net Gain

Condition 13 of Y/92/17/OUT requires that the reserved matters be substantially in accordance with the 'Habitat and Ecological Enhancement Management Plan (November 2017) - LLD1320-ECO-EDS'.

ALP policy ENV DM5 and YNDP policies E3 & E4 are relevant. The YNDP policies relate to the principle of development and it is noted that existing hedges around the site are retained. In respect of ENV DM5, the submission includes a new ecological walkover survey and a biodiversity net gain statement. The latter states that it has been prepared in accordance with the Defra Biodiversity Metric 2.0 (September 2019). The document reports a loss of 5.4% for habitat but a 108% gain for hedgerows.

The high percentage gain for hedgerows is due to the retention of most of the existing hedges and the creation of over 400m of new native species-rich hedge. In addition, several wildlife enhancement measures are proposed including bird & bat boxes on dwellings & retained mature trees, log piles/compost heaps, hedgehog gaps in fences to about 20% of fences.

The applicant considers that the net gain that can potentially be delivered by the development is likely to be positive overall. This is accepted and despite the development of the site with new physical development, its former use as an agricultural field compared to the proposed enhancements/creation of new habitat etc means that there will be an overall net gain. It is also noted that only 1 tree is due to be felled on the site and even then only if it becomes diseased. The amount of new tree planting will therefore also contribute to biodiversity net gain. According to the detailed landscaping scheme, approximately 370 new trees will be planted.

The reserved matters proposal is therefore substantially in accordance with the Habitat and Ecological Enhancement Management Plan and also in accordance with the relevant development plan policies.

(I) Climate Change

Condition 22 on the outline permission requires the approval of measures to reduce energy conservation and achieve a 10% annual energy reduction. As these details are required to be separately approved through the discharge of this condition, it is not considered reasonable to also require compliance at the reserved matters stage. As such, the proposal would be in accordance with policy ECC SP2.

It is noted that WSCC have asked for details of electric vehicle provision but again this is already by a condition on the outline permission (25) and so it is not reasonable to insist upon such details at this stage.

SUMMARY:

It is recognised that the applicant has made several positive changes to the application to overcome the concerns raised in the refusal of Y/78/20/RES and those raised during the determination of this new application. Whilst there remain some instances of conflict with the Arun Design Guide, it is material that there is compliance with the site specific Design Code and the proposal is in accordance with the development plan as a whole. It is therefore recommended that permission be granted subject to additional conditions alongside those imposed on Y/92/17/OUT.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the s106 Agreement attached to the outline planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

PLN-3-1101 Rev W "Site Layout";
 PLN-3-1102 Rev H "Colour Site Layout";
 PLN-3-1103 Rev G "Site Layout Storey Heights";
 PLN-3-1104 Rev J "Site Layout Dwelling Types";
 PLN-3-1105 Rev L "Site Layout Tenure Plan";
 PLN-3-1106 Rev G "Site Layout Parking Plan";
 PLN-3-1107 Rev G "Site Layout Refuse Plan";
 PLN-3-1108 Rev H "Site Layout Materials Plan";
 PLN-3-1109 Rev G "Site Layout Boundary Treatments";
 PLN-3-1111 Rev A "Location Plan";
 PLN-3-1112 Rev F "Site Layout M(4)2 Plan";
 PLN-3-1118 Rev D "Site Layout - Back to Side Dimensions";
 PLN-3-1120 Rev B "POS Areas";
 PLN-3-1150 Rev C "Coloured Street Scenes";
 PLN-3-2101 Rev E "House Types BEW Elevations & Floor Plans";
 PLN-3-2102 Rev F "House Types MOR Elevations & Floor Plans";
 PLN-3-2103 Rev F "House Types ELL Elevations & Floor Plans";
 PLN-3-2104 Rev E "House Types KEN Elevations & Floor Plans";
 PLN-3-2106 Rev G "House Types ALV Elevations & Floor Plans";
 PLN-3-2107 Rev E "House Types T55 Elevations & Floor Plans";
 PLN-3-2108 Rev E "House Types T54 Elevations & Floor Plans";
 PLN-3-2109 Rev E "House Types T52 Elevations & Floor Plans";
 PLN-3-2110 Rev E "House Types T51 Elevations & Floor Plans";
 PLN-3-2111 Rev G "House Types 2BF Elevations & Floor Plans";
 PLN-3-2112 Rev G "House Types HOL Elevations & Floor Plans";
 PLN-3-2113 Rev E "House Types AVO Elevations & Floor Plans";
 PLN-3-2114 Rev F "House Types KIR Elevations & Floor Plans";
 PLN-3-2115 Rev F "House Types HWD Elevations & Floor Plans";
 PLN-3-2116 Rev G "House Types BRA Elevations & Floor Plans";
 PLN-3-2118 Rev C "House Types DEN Elevations & Floor Plans";
 PLN-3-2120 "House Types GRE Elevations & Floor Plans";
 PLN-3-2121 "House Types MAI Elevations & Floor Plans";
 PLN-3-3000 Rev K "House Types 2BM-1BM Elevations & Floor Plans";
 PLN-3-3700 Rev A "Single Garage Elevations and Plans";
 PLN-3-3701 Rev A "Double Garage Elevations and Plans";
 PLN-3-3800 Rev A "Substation Elevations and Plans";
 PLN-3-3901 Rev A "Cycle Store 2 Elevations and Plans";
 PLN-1-5000 JBA 18/019-SK01 "Illustrative Landscape Masterplan";
 PLN-1-5001 JBA19291-1 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
 PLN-1-5001 JBA19291-2 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
 PLN-1-5001 JBA19291-3 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
 PLN-1-5001 JBA19291-4 Rev G "Detailed Soft Landscape Proposals for Plots and Hard &

Soft for POS";
PLN-1-5001 JBA19291-5 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
PLN-1-5001 JBA19291-6 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
PLN-1-5001 JBA19291-7 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
PLN-1-5001 JBA19291-8 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
PLN-1-5001 JBA19291-9 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
PLN-1-5001 JBA19291-10 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
A316-01 Rev P2 "Swept Path Analysis";
"Design and Access Statement (March 2021) and "Design & Access Statement .. Addendum" (Sept 2021);
Statement entitled "RE: Biodiversity Net Gain Calculation for Land East of Drove Lane, Yapton, West Sussex" (ref JBA 19/291 ECO02 AC, 18/08/20);
Note entitled "Sustainable Urban Drainage Systems" (14/09/21); and
"Plot Information Schedule" Rev W.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, HER DM1, HER DM3, QE SP1 and T SP1 of the Arun Local Plan.

- 2 No development above damp proof course (DPC) level shall take place unless and until full details of the biodiversity enhancements referred to in the submitted Biodiversity Net Gain Statement (ref JBA 19/291 ECO02 AC, 18/08/20) have been submitted to and approved in writing by the Local Planning Authority. These shall include the various bird/bat nesting opportunities and log piles referred to on the Appendix 1 plan and also the location of hedgehog gaps in fences within the site. The approved details shall be implemented in full and permanently retained in good working condition thereafter.

Reason: To promote and ensure biodiversity enhancement in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 3 No development above damp proof course (DPC) level shall take place until full details of the proposed in-curtilage cycle stores for those dwellings which do not benefit from a garage or a communal store have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage sheds associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policies T SP1 and T DM1.

- 4 Notwithstanding that the details of soft landscaping are approved through this decision, no development above damp proof course (DPC) level shall take place until the Landscaping Measured Works Schedule has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping shall be carried out in accordance with both the approved plans and the related measured works schedule.

Reason: The landscape plans refer to a separate measured works schedule but this has not

been provided and is required in accordance with policies D DM1 & LAN DM1 of the Arun Local Plan.

- 5 Notwithstanding that the details of hard landscaping are approved through this decision, no development above damp proof course (DPC) level shall take place until the full details of an alternative surfacing to those pathways shown as hoggin shall submitted to and approved in writing by the Local Planning Authority. Thereafter the new footpaths and any amendments to existing paths shall be laid in accordance with the approved plans and permanently retained in good condition thereafter.

Reason: The use of hoggin is unsuitable as it does not provide year round accessibility for wheeled/pedestrian users and can become maintenance prone in highly trafficked areas. This condition is required in accordance with policies D DM1 & LAN DM1 of the Arun Local Plan.

- 6 No development above damp proof course (DPC) level shall take place until the applicant has submitted an alternative design for the proposed entrance feature at the site entrance from Drove Lane which reflects the canal based heritage of the site and for approval in writing by the Local Planning Authority. This will be agreed in consultation with Yapton Parish Council. Thereafter, the agreed entrance feature will be installed prior to occupation of any dwellings within the Canal Green character area.

Reason: In the interests of preservation of the heritage interest of the site in accordance with Arun Local Plan policies HER SP1 and HER DM5.

- 7 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 8 No dwelling shall be first occupied in a particular phase until the car parking spaces, car ports, garage spaces, roads, footways and turning facilities serving the respective dwellings have been constructed in accordance with the approved site plan. Once provided, the parking spaces shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 9 None of the dwellings hereby approved shall be occupied unless and until the

applicant/developer supplies a certificate confirming the agreement of the Royal Society for the Prevention of Accidents (RoSPA) to the location of the SuDS features within areas of Public Open Space and close to designated play areas. The submission shall include details of any physical changes if necessary such as boundary treatments for approval in writing by the Local Planning Authority prior to occupation.

Reason: In the interests of amenity and safety in accordance with policies D DM1 and OSR DM1 of the Arun Local Plan.

- 10 None of the dwellings hereby approved shall be occupied unless and until plans and details have been submitted to and approved in writing by the Local Planning Authority to show that the proposed footpath/cycle links between the ends of the cul-de-sacs on the perimeter of the site are at least 3m wide and feature some form of modal filter (single bollard or landscaping) to prevent vehicle access. Thereafter these links shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and sustainable transport in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 11 None of the dwellings hereby approved shall be occupied unless and until plans and details have been submitted to and approved in writing by the Local Planning Authority to show a continuous footway outside of plot 214. Thereafter this footway shall be implemented in accordance with the approved details prior to first occupation of the residential unit it is serving and permanently maintained thereafter.

Reason: In the interests of highway safety and sustainable transport in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 12 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 rear extensions shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space and in the interests of visual amenity and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 13 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no dormer/roof extensions/alterations to the houses approved shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity, heritage and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 14 Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no hardstanding (other than that specified on the approved plans) shall be created on land forward of the principal or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity and the particular characteristics of this

development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 15 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 16 All bathroom and toilet windows in the elevations of the buildings indicated by a green circle on drawing PLN-3-1118 Rev D "Site Layout - Back to Side Dimensions" shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 17 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 18 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 19 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 20 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

- 21 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 21/04/21) as available on the Councils website.

- 22 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact

the Environmental Health Department on 01903 737555.

- 23 INFORMATIVE: The applicant should note that this layout has been approved without sufficient site investigations to determine whether infiltration of surface water runoff is viable and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process. Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by full details in accordance with the guidance and checklist here <https://www.arun.gov.uk/surfacewater>.
- 24 INFORMATIVE: This permission does not formally discharge any of the conditions imposed on the outline planning permission except for those which require details be submitted with the reserved matters application (nos. 3, 6, 7, 13, 26). Therefore, the submitted plans and documents which relate to external lighting, levels, foul and surface water drainage (including those showing hard surfacing treatments) are not listed in this approval. You should also note that despite agreement to the submitted materials plans, discharge of these details is also required through condition 5 on the outline.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

Y/49/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AL/70/20/PL

Original Decision = Refused

Received: 22-07-21

West Barn Old Dairy Lane Norton

Decision Level = Delegated

Residential Mews consisting of 6 No dwellings. This application may affect the Norton Lane, Norton Conservation Area, may affect the setting of a listed building, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable.

Written

Representations

PINS Ref: APP/C3810/W/21/3275037

AW/131/19/T

Original Decision = Refused

Received: 12-07-19

12 Hunters Close Aldwick Bay Estate Aldwick

Decision Level = Delegated

Reduce height by 8m to 1 No. Lombardy Poplar tree.

Written

Representations

PINS Ref: APP/TPO/C3810/7494

BE/109/19/OUT

Original Decision = Refused

Received: 15-02-21

Land east of Shripney Road & south of Haddan House Shripney Road Bersted

Decision Level = Committee

Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney Conservation Area.

Informal Hearing **09-11-21**

PINS Ref: APP/C3810/W/20/3264105

BE/119/20/PL

Original Decision = Refused

Received: 30-09-21

Land West of New Barn Lane Bersted

Decision Level = Delegated

1 No. detached house. This site falls within Strategic Site SP2, CIL Zone 1 (Zero Rated).

Written

Representations

PINS Ref: APP/C3810/W/21/3276647

BE/148/20/OUT

Original Decision = Refused

Received: 14-07-21

Nursery Fields Land to the North of Chalcraft Lane West Bersted

Decision Level = Delegated

Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.

Written

Representations

BN/142/20/OUT

Original Decision = Refused

Received: 26-05-21

Land south of Barnham Station Barnham

Decision Level = Delegated

Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.

Public Inquiry 21-09-21

PINS Ref: APP/C3810/W/21/3273087

BR/31/20/PL

Original Decision = Refused

Received: 12-10-20

77 Aldwick Road Bognor Regis

Decision Level = Delegated

Part change of use of ground floor & formation of a first floor rear extension to create 2 No. self-contained studio flats with associated refuse/recycling & cycle store (re-submission following BR/233/19/PL)

*Written
Representations*

PINS Ref: W/4001823

BR/347/19/T

Original Decision = Refused

Received: 20-03-20

4 Pinewood Gardens Bognor Regis

Decision Level = Delegated

Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

EP/22/21/HH

Original Decision = Refused

Received: 09-09-21

15 The Plantation East Preston

Decision Level = Delegated

Erection of rear extension and loft conversion with rear dormers and side gables

*Written
Representations*

PINS Ref: APP/C3810/D/21/3277542

FG/34/21/HH

Original Decision = Refused

Received: 22-07-21

50 Ocean Drive Ferring

Decision Level = Delegated

1st floor side extensions, two storey front extension, side and rear extensions, installation of balcony to rear and 2 x front dormers including demolition of existing garage.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3275010

FG/92/20/T

3 Lavender Court Ferringham Lane Ferring

Original Decision = Refused

Received: 26-04-21

Decision Level = Delegated

Fell 1 No. Himalayan Cedar

Informal Hearing

PINS Ref: APP/TPO/C3810/8172

LU/257/20/HH

Original Decision = Refused

Received: 14-01-21

2 Meadow Way Littlehampton

Decision Level = Delegated

Two storey brick side extension under tiled roof

Written

Representations

PINS Ref: APP/C3810/D/20/3264683

P/21/21/HH

Original Decision = Refused

Received: 03-09-21

6 The Green Pagham

Decision Level = Delegated

Loft conversion to form new first floor with front and rear dormer projection

Written

Representations

PINS Ref: APP/C3810/D/21/3276723

Y/50/21/DOC

Original Decision = DOC Refused

Received: 14-07-21

Land to the south of Ford Lane and East of North End Road Ford

Decision Level = Delegated

Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy

Written

Representations

PINS Ref: APP/C3810/W/21/3275509

Y/51/21/DOC

Original Decision = DOC Refused

Received: 07-09-21

Land south of Ford Lane and East of North End Road Yapton

Decision Level = Delegated

Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy

Written

Representations

PINS Ref: APP/C3810/W/21/3280238

Y/78/20/RES

Original Decision = Refused

Received: 05-10-21

Land East of Drove Lane Yapton

Decision Level = Delegated

Approval of reserved matters following outline consent Y/92/17/OUT for 300 No.dwellings covering landscape, layout, public open space, drainage, scale & external appearance. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).

Informal Hearing

ENF/115/17

44 Christchurch Crescent West Meads Aldwick

Received:

Written Representations

PINS Ref: APP/C3810/C/20/3249296

ENF/470/15/

Valhalla High Street Bognor Regis

Received:

Written Representations

PINS Ref: APP/C3810/F/20/3257966