



Public Document Pack

Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Tel: (01903 737500)
Fax: (01903) 730442
DX: 57406 Littlehampton
Minicom: 01903 732765

e-mail: committees@arun.gov.uk

Committee Manager Andrew Bishop (Ext. 37984)

20 June 2023

SPECIAL PLANNING COMMITTEE

A Special meeting of the Planning Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 28 June 2023 at 2.00 pm** and you are requested to attend.

Members: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Bower, Kelly, Long, Lury, McDougall, Northeast, Partridge, Patel and Woodman

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's [Committee pages](#).

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Speaking physically at the Planning Committee, they are to enter the Civic Centre via the front reception and then make their way up to the Council Chamber on the second floor and take a seat in the Public Gallery [the Blue Room].
2. We request members of the public do not attend any face to face meeting if they 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

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**

To approve as a correct record the Minutes of the meeting held on 7 June 2023.

[These will be circulated separately as a supplement.]

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. **BE/150/22/OUT - LAND AT OLDLANDS FARM, NEWLANDS ROAD, BOGNOR REGIS, PO22 9NN** (Pages 1 - 22)
7. **BN/147/22/RES - LAND SOUTH OF BARNHAM STATION, BARNHAM** (Pages 23 - 50)

8. **LU/299/22/PL - LAND NORTH OF LITTLEHAMPTON ACADEMY, LITTLEHAMPTON** (Pages 51 - 74)

OFFICER REPORT UPDATES

Will be circulated ahead of the meeting if there are 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 Daniel.Vick@arun.gov.uk

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

David Easton (Ext 37698) email david.easton@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](#)

These meetings are webcast live.

To watch recorded webcasts use the following link – Planning Committee [Webcast Page](#)

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: BE/150/22/OUT

LOCATION: Land at Oldlands Farm
Newlands Road
Bognor Regis
PO22 9NN

PROPOSAL: Outline planning application with all matters reserved except access for the demolition of existing derelict building and erection of up to 18,580sqm of new industrial/warehouse (Use Class B2/B8) and ancillary offices (Use Class E (g)) floorspace.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	5.2 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site features a varied boundary treatment consisting of wooden fencing, planting, trees with some boundaries open.
SITE CHARACTERISTICS	The application site consists of undeveloped greenfield land which is currently in agricultural use.
CHARACTER OF LOCALITY	<p>The character of the locality is industrial, commercial and agricultural uses in the immediate locality. The application site falls within the Oldlands Farm employment allocation (under policy EMP SP3 of the Arun Local Plan). To the north of the application site is Lidl whilst to the north-east is the Rolls Royce Technology and Logistics Centre. Further north permission has been granted for warehouse and van storage. These uses together constitute the application site form the entirety of the Oldlands Farm employment allocation.</p> <p>To the west of the site (on the adjacent side of the A29) is the Rowan Park and Caravan Motorhome Park. To the north-west is the Saltbox employment allocation with further commercial and industrial uses to the south of the site.</p> <p>To the east of the site is the railway line which runs north to south beyond which is agricultural land. Further to the north of the site is the village of Shripney.</p>

RELEVANT SITE HISTORY

AL/87/21/PL	Erection of a warehouse (Use Class B8) with ancillary office, associated vehicle parking, van storage, plant, ancillary structures, lighting landscaping and infrastructure works including earthworks to facilitate flood compensation area. This site may affect listed buildings, may affect the character & appearance of the Shripney Conservation Area, is a Departure from the Development Plan, affects a Right of way & is in CIL Zone SP3 (Zero Rated) as other development.	App Cond with S106 09-08-22
BE/126/19/PL	Erection of a 1410 square metres discount convenience retail food store (Use Class A1) & parking, landscaping & other associated works.	ApproveConditionally 18-03-20
AL/58/15/OUT	Hybrid Application 1: Full planning application for earth works to facilitate flood compensation area & 2-Outline application (all matters reserved) for up to 20,453 sq m of B2 General Industrial Floorspace together with B8 warehousing & distribution floorspace.	App Cond with S106 20-04-16
BE/64/15/PL	Variation of Condition 2 imposed under planning reference BE/73/14/PL relating to approved plans.	ApproveConditionally 29-07-15
BE/73/14/PL	Erection of 2 No. detached industrial/distribution units (B1(c)/B2/B8) including access & servicing arrangements, car parking, landscaping & associated flood compensation area. This application is a departure from the development plan. This application also lies within the parish of Aldingbourne	ApproveConditionally 28-08-14
BE/61/13/	HYBRID APPLICATION. 1: Full planning application for Access and road and Flood compensation area. 2: Outline application for 33116 sq m of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2and B8, with associated works and landscaping.	ApproveConditionally 19-03-14

A number of other permissions have been approved at Oldlands Farm.

REPRESENTATIONS

Bersted Parish Council - Objection

- The application will add to the traffic using Saltbox roundabout especially with application AL/87/21/OUT having outline permission for B8 distribution using the same road network. There have already been accidents on this roundabout. Impact of increased traffic on the local roads, A29 through Shripney and A259.

2 no. letters of objection:

- Road is very busy and can be dangerous when leaving Salt Box or Oldlands Farm.
- Building on more farmland reduces natural drainage.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Lead Local Flood Authority - No objection.

Environmental Health - No objection.

Conditions proposed in relation to Air Quality, Contamination, Unexpected Contamination, Construction Management Plan, Construction Hours, External Lighting, and Noise.

National Highways - No objection

Condition to be imposed preventing the use of the building for parcel delivery until such time as a revised transport assessment is submitted and approved.

Archaeology - No objection

Condition to be imposed.

West Sussex Fire & Rescue - No objection

Condition requested to secure provision of fire hydrants.

West Sussex County Council Highways - No objection

The Local Highway Authority (LHA) have reviewed the content of the TA and the proposals follow the advice given within the LHA's pre-application advice in 2022.

Ecology - No objection

Conditions proposed.

Greenspace - No objection

Drainage Engineers - No objection.

Further information required. However, if minded to approve conditions have been proposed.

South Downs National Park - No comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered later in the report.

POLICY CONTEXT

Designation applicable to site:

- The application site is within the Built-up Area Boundary (Policy SD SP2)
- The site is a Strategic Employment Land Allocation (Policy EMP SP3)

DEVELOPMENT PLAN POLICIES

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

ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPDM2	EMP DM2 Enterprise Bognor Regis
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP3	EMP SP3 Strategic Employment Land Allocations
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

[Bersted Neighbourhood Plan 2014 Policy EE1](#) Business expansion

Bersted Neighbourhood Plan 2014 Policy ES8 Renewable energy

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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.

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 complies with relevant Development Plan policies in that it would not give rise to unacceptable impacts which would warrant refusal of the application.

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

There are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The application is submitted in outline with all matters reserved except for access. This means that consideration of the proposal will exclude matters of detailed design such as layout, appearance, scale and landscape. The proposed development falls within the built up area boundary (BUAB) as defined by Policy SD SP2.

Policy EMP SP3 identifies the Strategic Employment Land Allocations and emphasises the importance of these allocations in the District for providing employment and lists a number of objectives of these allocations. The application site is in part of these Strategic Employment Land Allocations - Oldland's Farm.

Policy EMP SP1 states that the Council will encourage sustainable growth of the Districts economy to meet the needs of various sectors and support the regeneration of Bognor Regis and Littlehampton. The policy identifies measures to encourage sustainable growth and support regeneration of these two main towns. The plan allocates circa 75 hectares of land for this and this includes the Strategic Employment Land Allocation of Oldland's Farm. The proposed development in this case will create jobs and provide employment space which will bring new investment into the area in accordance with Policy EMP SP1.

Policy EMP DM2 Enterprise Bognor Regis sets out the detailed criteria which employment proposals are required to meet, and these are considered under the relevant sub-headings below. It should be noted there have been two previous permissions for industrial development (B2 and B8 uses) on the site in 2016 (AL/58/15/OUT) and 2018 (AL/44/18/RES) which established the principle of development on the site for industrial use.

The National Planning Policy Framework (para 81) requires significant weight to be placed on the need to support economic growth. The presumption in favour of sustainable development also applies and means approving development proposals that accord with an up-to-date development plan without delay.

The proposal would enable the site to come forward for employment use, would create job opportunities at the construction stage and after at the operational stage and would contribute to economic growth. These benefits should be given great weight in accordance with the NPPF.

The proposed development in this case is in accordance with Policies EMP SP1, EMP SP3 and SD SP2 of the Arun Local Plan. However, in order for the proposals to be acceptable in principle it must accord with the requirements of policy EMP DM2 of the Arun Local Plan, as well as other relevant development plan policies. These matters are discussed below.

ACCESS AND HIGHWAY MATTERS

The proposed access to the site will be via the main estate road (Newlands Road) which serves the existing commercial and industrial uses operating from the site. Newlands Road was approved as part of the Rolls Royce development and is accessed from the A29/Fontwell Relief Road roundabout. The Transport Assessment submitted in support of the application has reviewed the latest accident records and this has revealed that there have been no collisions as a result of junction design with all those recorded being as a result of driver/rider error.

The new access point for the proposed development is located in the north-eastern corner of the site and will provide vehicular access to the car park and loading area. The new access has been designed with sufficient visibility and swept path diagrams to demonstrate that the access would operate satisfactorily for cars as well as larger vehicles such as HGVs and fire tenders. The Transport Assessment has also concluded that the proposed development would equate to peak hour flows of 128 (AM) and 95 (PM) two way movements.

West Sussex County Council as the Local Highway Authority (LHA) have been consulted on the proposals and have raised no objection to the access arrangements. It has been confirmed by the LHA that they are in agreement with the adoption of the same strategy, for the proposals, as was applied through the determination of planning application AL/87/21/OUT in relation to the assessment of the highways impacts associated with the development.

Arun Local Plan Policies EMP DM2 (b) and T SP1 (e) require a Transport Assessment and Travel Plan to demonstrate how impacts on the road network can be mitigated.

The Transport Assessment has modelled the proposals to a 2031 scenario which has shown that in all scenarios the nearby roundabouts and junctions would experience increased activity as a direct result of the proposed development. The impact of the Oldlands Farm employment allocations upon the operation of the highways network were also considered through the Enterprise Bognor Regis Transport Review 2017. This study was based on the 2031 development scenario which included Enterprise Bognor Regis as well as other Arun Local Plan developments.

The study in respect of the A29/A259 Felpham Relief Road roundabout concludes that a significant level

of mitigation is required which could include the widening of the arms of the roundabout; widening of the circulatory to accommodate additional lanes; and removal of Salt Box / Rowan Park access. Based on the modelling the mitigation measures successfully removed all of the sever impacts except for those identified for the Oldlands Farm access during the PM peak. Whilst this does not affect the operation of the adjacent highways network, further mitigation will need to be identified to ensure the satisfactory operation of the site access in the 2031 Development Scenario.

Given the conclusions of the Enterprise Bognor Regis Transport Review 2017 in respect of the operation of this roundabout and in accordance with the approach adopted in relation to AL/87/21/PL financial contributions should be directed towards the mitigation for the A29/A259 Relief Road roundabout. Currently there is no detailed design for this mitigation scheme. However, in accordance with the approach previously taken on other nearby developments these proposals would generate a financial contribution of £121,520 towards the A29/A259 Felpham Road roundabout in order to mitigate the cumulative impacts of the proposed development alongside existing and future developments.

National Highways have also been consulted and had originally raised a holding objection on the development due to concerns with the proposals potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), particularly due to its proximity to the A27. During the life of the application the applicant has been in discussion with National Highways and a suitable condition has been agreed to overcome these concerns.

Subject to the imposition of the proposal condition National Highways have confirmed that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, or operational efficiency of the SRN in the vicinity of the A27, reflecting Department for Transport Circular 01/22 and NPPF (para 110-113).

Therefore, the development subject to the proposed condition and financial contribution would accord with Policy T SP1 and EMP DM2 (b) of the Arun Local Plan.

SUSTAINABLE TRANSPORT

The existing site access road includes a shared footway/cycleway along both sides of the road. A footway/cycleway is provided on the western side of the A29 Shripney Road towards the south, accessed by a staggered crossing. A footway/cycleway has been agreed to the eastern side of the A29 Shripney Road in association with the Lidl development. The site will also connect to the footway/cycleway along the southern side of the A259 towards Felpham. The site has good cycle and pedestrian access towards Bognor Regis and Felpham, which are within a reasonable cycling distance from the site (within 5km), therefore no additional off-site cycle improvements are needed and the scheme complies with Policy T DM1 of the Arun Local Plan.

Indicatively 130 cycle spaces are incorporated as part of the proposals. The standard requirement is 1 space per 500sqm for staff and 1 space per 1000 sqm for visitors, which would generate a requirement for 55 cycle parking spaces. Therefore, the number shown is well in excess of this requirement and complies with the ADC Parking Standards SPD, Arun Local Plan Policies T SP1 and T DM1.

WSCC have also provided comments in relation to the Travel Plan (TP) and identify that it should aim to achieve a 12-hour weekday (7am to 7pm) vehicle trip rate that is 15% lower than that predicted for the site in the Transport Assessment. This trip rate reduction should be achieved within 5 years and sustained for the 5-year monitoring period. Financial contributions will be necessary to allow for the monitoring and review of this and will be secured through S106 agreement. It was also identified that EV charging points should be secured and a condition relating to this has been included as part of the recommendation. Therefore, subject to this the proposals would accord with Policies T SP1 and T DM1 of the Arun Local Plan.

PARKING

As identified above the application is submitted in outline with all matters save for access reserved. However, it is still necessary to assess if the proposed development can be adequately accommodated on the site excluding matters of detail design. The indicative site layout shows that the proposed building can be accommodated on site with adequate space to incorporate 265 parking spaces, with this level of parking provision agreed with the LHA through pre-application discussions. Therefore, the proposed development can be accommodated on site alongside sufficient parking provision to meet the demands of the development.

BIODIVERSITY

The Council's ecologist has been consulted and has raised no objection subject to securing biodiversity mitigation and enhancement measures. The application was accompanied by an Ecological Impact Assessment (The Ecology Co-Op, November 2022) which considered the impacts of development upon designated sites, protected and priority species and habitats as well as the identification of proportionate mitigation. A number of conditions have been requested and those proposed are considered to be reasonable and necessary to make the development acceptable in planning terms.

Therefore, subject to the inclusion of the proposed conditions and implementation of the biodiversity mitigation and enhancement measures the development would accord with policy ENV SP1 and ENV DM5 of the Arun Local Plan.

TREES

The application was accompanied by a Tree Survey and Report (November 2022) which identifies a number of trees on site all of which are located on the boundaries, primarily to the northern and eastern boundaries. The survey and report identify that the development proposals can be achieved with little to no impact on the retained trees. However, the report does recommend that an arboricultural review of the final site layout may further mitigate any potential tree removal and also that an arboricultural impact assessment, method statement and tree protection plan should be prepared in support of the final design and accompany the reserved matters application or be secured through planning condition. Subject to this the scheme will accord with Arun Local Plan Policy ENV DM4.

SOILS

The site is identified as being 'best and most versatile land' (BMV) on the Agricultural Land Classification map London and the South East (ALC007). Alternative options for the location of this strategic employment allocation have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites.

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

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

HISTORIC ENVIRONMENT

Policy HER SP1 states that ADC will grant planning consent for development that either conserves or enhances the historic environment, meaning that development does significantly adversely affect the historic environment will not be granted.

Shripney Conservation Area is located approximately 530m to the north of the application site and contains a number of listed buildings. The site is separated by some built form, mature trees and the A29 and Salt Box Roundabout. Given the separation distance and existing development surrounding the application site the proposed development would not give rise to any harm to the setting or significance of any designated or non-designated heritage assets. Therefore, the proposed development would accord with Policy HER DM1 or HER DM3 of the Arun Local Plan.

ARCHAEOLOGY

The Council's archaeological advisor has been consulted on the proposed development and has confirmed that the impact of the proposed development of the site on the archaeological interest should be mitigated as proposed in the 'Summary Review of Archaeological Potential' submitted in support of the application. It has been recommended that a condition is imposed to ensure that the programme of archaeological work is carried out in accordance with a written scheme of investigation.

Therefore, subject to the imposition of an appropriate worded condition the development will accord with the requirements of Policy HER DM6 of the Arun Local Plan.

NOISE IMPACTS

Environmental Health were consulted on and having reviewed the 'Environmental Noise Impact Assessment - Phase 3' (dated 13th December 2022). They confirmed that they were satisfied that data, calculations and findings for HGV noise, break out noise from the building, and noise levels for the building services plant were reliable. However, some concerns were raised in relation to the data and calculations presented in relation to forklifts. In addition, further comments were submitted recommending that all activities associated with B2/B8 use including deliveries and loading/unloading must take place within the building.

Further information was submitted by the applicant seeking to address these comments and Environmental Health were re-consulted on the 2 May and comments. Any further comments will be contained within an Update Report.

Subject to the imposition of relevant conditions (as required) the development is in accordance with policies Policy QE DM1 and QE SP1 of the Arun Local Plan 2011 and 2031.

AIR POLLUTION

As a major application the applicant must consider air quality with the Council's Environmental Health Officer advising that this should be considered at design stage with appropriate and effective mitigations being incorporated. Policy QE DM3 relates to air quality and identifies that major development proposals should be located within easy reach of established public transport services; maximise provision for cycling and pedestrian facilities; encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points; and contribute towards the improvement of the highway network where the development is predicted to result in increased congestion on the highway network.

The proposed development by virtue of its location and conditions imposed would accord with policy QE DM3 and as such the impact of the proposals upon air quality is deemed acceptable subject to these conditions and further assessment of the detailed design of the proposals at Reserved Matters stage.

LIGHT POLLUTION

Policy QE DM2 of the Arun Local Plan identifies that planning permission for developments which involve outdoor lighting must be accompanied by a lighting scheme. Given that this development is in outline and the design and layout of the proposals are not being agreed at this time lighting details similarly cannot be considered at this time.

Given that the use and potential scale of the development, lighting details will need to be considered and agreed once detailed design matters have been approved. Therefore, a condition is proposed to require submission of these details for approval of the Local Planning Authority prior to the occupation of the development. Subject to the imposition of this condition the proposed development would accord with policy QE DM2 of the Arun Local Plan.

DRAINAGE

The application site falls within flood zone 1 and was accompanied by a Flood Risk and Drainage Statement produced by FortRidge Consulting Limited (December 2022). This document has been reviewed by the Council's drainage engineers. A number of comments have been raised seeking clarification on a number of points and seeking further infiltration testing.

However, given that the submitted application is in outline it is not possible to secure drainage details and design at this time. Therefore, it is recommended that the applicant refer to the comments from the Council's drainage engineers and ensure these are addressed through any future submissions. In addition (and as requested by the Council's engineers) four conditions relating to surface water and foul drainage details/design.

Subject to the imposition of the proposed conditions to secure an appropriately designed drainage scheme the development would accord with policies W DM3 and EMP DM2(c) and (d) of the Arun Local Plan.

SUSTAINABILITY

The design and access statement submitted in support of the application identifies a number of sustainability measures which include 53 EV charging bays and use of low or zero carbon technologies.

The Arun District Council Parking Standards SPD identifies that for a development of this type 30% of the total parking space provision should be delivered as EV charging point. Therefore, given the 265 spaces proposed this would equate to 79.5 EV charging points. A condition has been included to ensure that the 30% requirement is achieved.

Policy ECC SP2 of the Arun Local Plan identifies that all major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. It is also clarified that energy efficiency measures will only be taken into account for the purposes of calculating the total predicted energy requirements. A condition has been included requiring submission of this detail for approval prior to the commencement of development.

Subject to the use of appropriately worded conditions the proposed development is deemed to accord with policies ECC SP2 and T SP1 of the Arun Local Plan.

SUMMARY

The proposed development has been submitted in outline with all matters reserved save for access. The proposed development in so far as it can be assessed given the outline nature of the proposals are in accordance with policy EMP DM2 of the Arun Local Plan and will assist in the creation of jobs. Appropriately worded conditions and S106 contributions will be secured to ensure that any potential impacts associated with the development are appropriately addressed. Significant weight is also given to the NPPF requirement to support economic growth, which this proposal will deliver.

RECOMMENDATION

It is recommended that planning permission is granted subject to the conditions proposed and

completion of a Section 106 agreement.

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.

SECTION 106 DETAILS

A financial contribution of £121,520 towards the A29/A259 Felpham Road roundabout.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (d) Landscaping.

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

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

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

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

- Location Plan - Drawing no. S0001 Rev P02

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.

4 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 building(s) have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

5 Prior to the occupation of any part of the approved building, the applicant or developer shall provide electric vehicle charge points to serve the parking spaces associated with the approved building in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 30% of parking spaces (rising to 50% from 2028 & 100% from 2033) with electric ducting provided to all other spaces to make provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

6 At least 10% of the predicted energy demands of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

7 The landscaping and layout particulars to be submitted in accordance with Condition 1 for any phase or sub phase shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree;

vi. The detailed landscape design for the development including the layout and design of the public realm within the development.

No tree or hedge shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policies D DM1, HWB SP1, OSR DM1 and ENV DM4 of the Arun Local Plan 2011-2031.

8 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with a scheme submitted to the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

9 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Site Investigation Scheme, based on the Ashdown Site Investigation Ground Contamination Risk Assessment Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the options appraisal and remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031.

10 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority)

shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031.

11 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, the careful selection of plant and machinery and use of noise mitigation barrier(s), to be in accordance with BS5228:2009;
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) A dust management plan produced in accordance with the Institute of Air Quality Management (IAQM) 'Assessment of dust from demolition and construction (2014);
- j) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

12 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

13 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

The lighting scheme shall be designed to meet biodiversity requirements and shall identify

those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

Reason: To protect the appearance of the area and local residents from light pollution and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

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

Reason: The site has the potential to contain unknown remains of archaeological importance which must be investigated in accordance with Policy HER DM6 of the Arun Local Plan 2011-2031.

- 15 a) Prior to the commencement of development details showing the proposed location of the required fire hydrants 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. These approvals shall not be unreasonably withheld or delayed.

b) Prior to the first occupation of any units forming part of the proposed development the applicant will at their own expense install the required fire hydrants in the approved location 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 fire fighting.

The fire hydrants 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 TSP1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Co-op, November 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out in accordance with the approved details.

Reason: To conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

- 17 Prior to the commencement of development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Reptile Method Statement;
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Use of protective fences, exclusion barriers and warning signs; and
- j) Containment, control and removal of any invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented through the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

- 18 Prior to the commencement of development above slab level a Biodiversity Enhancement Strategy for protected and priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or produce descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance protected and priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 19 Prior to beneficial use of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for the implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

- 20 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting that Order with or without modification the buildings hereby approved under this planning permission shall not be used for any use whose primary purpose is the receiving; processing and distribution/delivery of parcels and packages ("a parcel distribution use") within Use Class B8 (Storage and Distribution) unless the applicant has submitted an has had approved in writing by the local planning authority (in consultation with the local highway authority and National Highways) an addendum transport assessment which has been prepared in accordance with DfT Circular 01/2022 which assesses the impact of a parcel distribution use. The addendum transport assessment shall identify any necessary mitigation scheme(s) and this approved mitigation shall be implemented in full and open to all traffic prior to first use of the unit(s) as a parcel distribution unit.

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, to satisfy the reasonable requirements of road safety.

- 21 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and the building shall not be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 22 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish

highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 23 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. 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.

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

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

- 25 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 26 Prior to the commencement of the development, the applicant shall submit an Employment and Skill Plan for the development to be approved in writing by the Local Planning Authority. Following approval, the developer will implement and promote the objectives of the plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is necessary for this

to be a pre-commencement condition as it relates to the construction phase of development.

- 27 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 28 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 29 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

- 30 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

- 31 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 32 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 33 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)

BE/150/22/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: BN/147/22/RES

LOCATION: Land South of Barnham Station
Barnham

PROPOSAL: Approval of reserved matters following BN/149/22/PL for 200 dwellings respect of appearance, landscaping, layout and scale. This application may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development seeks approval of reserved matters in respect of appearance, landscaping, layout and scale following the approval of outline application BN/149/22/PL with all matters reserved, other than principal means of access, for up to 200 dwellings.

The layout of the proposal comprises an access off of Marshall Close, approved under application BN/142/20/OUT, and a network of roads. The residential development will be contained to the north, east and centre of the application site with the southwestern corner and the south of the site being left as public open space and other landscaping works. There will be a network of footpaths through the parcels of land reserved for open space.

The dwellings are a mix of terraced, semi-detached, detached and apartment buildings. Some of the dwellings have garages whilst the apartment buildings have communal parking areas. All of the terraced, semi-detached and detached dwellings have rear gardens whilst the apartment buildings have access to the public open space.

Dwellings have 2 or 2.5 storeys and the apartment buildings are 3 storey. The taller, 2.5 storey buildings would be situated to the centre and the east of the site whilst the apartment buildings are situated on the northern boundary. Dwellings would be constructed of either red multi-brick with red detail brick, brown multi-brick with red detail brick or red brick and red quoining and either forticrete gemini coloured slate grey roof tiles or forticrete gemini coloured autumn roof tiles. Some dwellings also have either tile hanging or flint detailing. Roof form is typically pitched with gables.

The proposal includes a raft of landscaping works comprising boundary tree and hedgerow planting, further planting outside

of dwellings and on the street, provision of a locally equipped area of play (LEAP) and local area of play (LAP), 7.2 Hectares of open space, two ponds, allotments, a 20m railway line offset on the northern boundary and a flood compensation area.

SITE AREA	13.80 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	14.49 dwellings per Hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Two category B trees, 3 groups of Category C trees, one Category C hedgerow, a group of Category U trees and two Category U trees would be removed to facilitate the development.
BOUNDARY TREATMENT	The application site is boarded to the north by a line of trees and hedgerow and a parcel of undeveloped land, beyond which is Branham train station. To the east is a line of trees and hedgerow and a ditch, beyond which is the curtilages of a number of properties, and Church Lane. To the south and southwest is a line of trees and hedgerow, beyond which is a track to the rear of several dwellings. To the northwest is the railway line.
SITE CHARACTERISTICS	The site comprises mostly undeveloped land and an equestrian facility which consists of an access track, paddocks, stables, a sand school and the remains of a number of old buildings. There is also a footpath (path number 323) that cuts through the southern portion of the site.
CHARACTER OF LOCALITY	<p>The area is semi-rural in character with a network of large agricultural fields to the northwest of the site beyond the railway line. There is dense built form between Barnham and Eastergate comprising mostly of dwellings, shops and services in the centre of the village.</p> <p>Barnham village centre is situated to the north of the application site and comprises a range of shops and services including Barnham Trading Post, Tesco Express, Co-op Food, St Phillip Howard Catholic School and Barnham train station.</p> <p>There is some less dense development to south and east of the application site comprising larger detached dwellings and visitor accommodation, alongside some services and community facilities including Saint Mary the Virgin church to the south and Barnham Community Hall to the east of the site.</p> <p>Dwellings in the area are a mix of terraced, semi-detached and detached with some apartment buildings. The most common materials are red and brown bricks for walls and red, brown and grey plain roof tiles. Roof form is a combination of pitched, hipped and gabled.</p>

RELEVANT SITE HISTORY

BN/149/22/PL	Variation of condition imposed under BN/142/20/OUT relating to the re-wording of conditions 9,20 and 27.	
BN/142/20/OUT	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.	Refused 23-02-21 Appeal: Allowed+Conditions 05-01-22
BN/53/23/DOC	Approval of details reserved by condition imposed under ref APP/C3810/W/21/3273087 (BN/142/20/OUT) relating to conditions 6 - surface water drainage, 7 - watercourses and 21 - surfacing works for Right of Way.	
BN/42/23/DOC	Approval of details reserved by condition imposed under ref APP/C3810/W/21/3273087 (BN/142/20/OUT) regarding conditions 14 - renewable energy and 25 - EV charging.	DOC Part Approved 15-05-23

REPRESENTATIONS

Barnham and Eastergate Parish Council object to the proposal for the following reasons:

1. There are currently no 3 bedroom properties being offered as Affordable Housing, only 1 and 2 bedroom properties. The Committee would like to see a mixture of different sized properties made available. It was also noted that the Affordable Homes were all placed together in one section of the development, the Committee would like to see them integrated into the development by spreading out where these properties are located.
2. As per the Neighbourhood Plan Design Guide and Arun District Council's Local Plan Design Guide, the Committee would like to see a little more variation in the materials used in the design of the properties, to include flint, tile hanging and weatherboarding. The Committee did not feel that the red brick and brown multi brick design is in keeping with the area.
3. The Committee would request that all driveways and roads are to be made of permeable block paving surface.
4. The Committee would not like to see any Juliette Balconies due to issues with privacy for any

neighbouring properties.

5. That the allotments are completed and made usable within a reasonable time frame.

6. The Committee would like to see Neighbourhood Plan policy ES16 Dark Night Skies adhered to when considering lighting on the development.

7. In the Secretary of State Appeal Decision APP/C3810/W/21/3273087 it was stated that "the highest parts of the site would accommodate elements of development up to 2 ½ storeys (11.5m)" however the Committee note that the current plans indicate that some of the proposed dwellings are in fact 3 storeys high and flats are also proposed which will be over the 2 ½ storeys also.

8 objections were received:

- Infrastructure cannot cope with further development
- Development would overwhelm local streets and take away a beautiful open space
- Traffic implications
- Increase in pollution
- Drainage issues
- The junction at Church Road and Yapton Road would remain dangerous
- Surface water drainage plans are based on rainfall data that is out of date and therefore needs recalculating
- The height of the development is out of character with the area

COMMENTS ON REPRESENTATIONS RECEIVED:

Regarding point 7 of the representation made by Barnham and Eastergate Parish Council, as shown on the plans, the height of the 2 ½ storey dwellings is the same as the 3 storey apartment buildings of circa 10.5 metres tall.

The principle of residential development for up to 200 dwellings has been established through the appeal of application BN/142/20/OUT.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECONOMIC DEVELOPMENT (07/11/2022):

No specific comments but has asked that an Employment and Skills Plan is included.

SUSSEX POLICE (07/11/2022):

Where communal parking occurs, it is important that they are within view of an active room. For the apartments, it is imperative that access control is implemented into the design. Recommended that postal arrangements for the apartments is through the wall or externally mounted secure post boxes. Strongly urge applicant not to consider letter apertures within the front doors. Cyclists should be encouraged to lock both wheels and the crossbar to a stand and therefore a design of cycle stand that enables this method of locking is recommended.

The LEAP should be in a location to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. They ask that the LEAP is surrounded with railings with self-closing gates to provide a dog free environment.

Regarding the footpath and cycle route design, they ask that it conforms to the requirements as indicated within the SBD Homes 2019 Version 2 document Chapter 8 paragraphs 8.8 - 8.12. They also recommend that any associated ground planting be no higher than 1 metres with tree canopies no lower than 2 metres. Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate.

SUSSEX POLICE (05/06/2023):

I refer the applicant to previous correspondence from this office, to which all comments remain extant.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY: (15/11/2022):

Site Layout DWG No 220615/01/SL Rev L shows FP323 being diverted. There is no reference to this in the Travel Plan other than in Appendix A. In order to secure a diversion of a Public Right of Way (PRoW), an order would need to be made by Arun District Council. It's important that FP323 is kept open and unobstructed until the statutory procedures which authorise the diversion have been completed. Development affecting the currently recorded legal line of FP323 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.

The Design & Access Statement refers to the opportunity and intention to upgrade FP323 to a 3m cycleway. This upgrade requires a formal permissive path agreement between the landowner and WSCC. Only through such a formal agreement, will cycle use be permitted and the route be maintained by the Highway Authority. For the purpose of both obtaining approval to divert FP323 and entering into a formal permissive path agreement, please submit construction details, including intended PRoW surface specifications.

With little possibility of upgrading FP323 south-east of the site boundary through the conservation area to allow cycles to continue to Church Lane, is it proposed that cycles can continue onwards to Church Lane as indicated via the red line, superimposed on your site layout? Please confirm.

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.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY (22/02/2023):

The proposed surface specification is acceptable but please ensure the recycled aggregate used is clean with no glass, plastic or metal in it.

Note that the route along the southern boundary is not intended for cycle use and you therefore propose to give permissive cycle rights only to that part of FP323 north of the road with us retaining rights for the southern part to be legally upgraded should onward connectivity become possible. The partial legal upgrade of FP323 north of the road makes sense but please confirm you will be physically surfacing the whole of FP323 within the site boundary as per the specification provided (with above proviso).

Please note the diversion you seek via Arun District Council for development purposes must be confirmed before any temporary closure can be granted by West Sussex County Council.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY (05/06/2023):

No objection and their response from the 22nd February still stands with regards to the approval of the build specification, acceptability of the diversion in principle and acceptability of conferring permissive cycle rights over the northern portion of FP323 only at this time, with rights for upgrading the southern portion to be retained.

PRoW wayfinding bollards are planned alongside tactile paving where FP323 crosses the internal road. Please note no new structures, such as gates and stiles, are to be installed within the width of the PRoW without prior consent of the WSCC PRoW Team.

WEST SUSSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (22/11/2022):

No comments to submit. Please consult the District Drainage Engineer.

ARCHAEOLOGY ADVISOR (24/11/2022):

The mitigation of the effects of development on any archaeological interest that the site may contain should be secured through the fulfilment of the requirements of Condition 16 on permission BN/142/20/OUT.

ENVIRONMENT AGENCY (24/11/2022):

No objection. Noted that the conditions recommended for the outline application still stand.

ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL (26/11/2022):

Objection. Given the rural location, proximity to a conservation area and extensive views from roads, public footpaths and the railway line it is considered that the designs of the proposed dwellings and the use of concrete roof tiles are well below the standard which should be required for the site. Proposals will conflict with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to good design, the protection and enhancement of local distinctiveness, and the protection of the rural environment and the setting of designated heritage assets.

NATIONAL HIGHWAYS (28/11/2022):

No objection. Satisfied the proposals will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS AUTHORITY (28/11/2022)

No objection. Having regard for the history at the site and the additional information submitted in the form of the Transport Assessment, the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the NPPF, and there are no transport grounds to resist the proposal.

ENVIRONMENTAL HEALTH (05/12/2022):

Satisfied that the requirements of condition 32 have been met and recommend the condition may be discharged.

WEST SUSSEX FIRE & RESCUE SERVICE (07/12/2022):

No objection subject to conditions for the location and installation of fire hydrants. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in the Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

SOUTHERN WATER (07/12/2022):

Southern Water have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication 'A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and their restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

The drainage strategy indicates that the proposed attenuation basin is being built within the easement zone. The drainage proposals shall include protection measures to be shown to satisfy the requirement to maintain standoff distances of 5 metres from public sewers. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

NETWORK RAIL (21/12/2022):

Due to the close proximity of the works to the railway, Network Rail are concerned by the flood risk to the railway. They recommended Asset Protection informatives in response.

WEST SUSSEX COUNTY COUNCIL LEAD EDUCATION AUTHORITY (22/11/2022):

Objection, the proposed development is expected to contribute towards the new secondary school in order to mitigate its impacts for secondary education, because the local existing secondary schools would not be able to accommodate the new pupils. The existing secondary school provision is unable to expand, and the lack of an allocated or secured site for a new secondary school means that the new education facility cannot be relied on in the short term.

Until a time that a new secondary school is built and open to pupils, transport costs are required to mitigate the additional costs to transport pupils from Arun District, who were unsuccessful in securing a place at one of their preferred schools or catchment school, to access education places at an alternative secondary school within West Sussex. WSCC therefore seek a contribution from the proposed development towards funding the provision of home to school transport in accordance with the West Sussex home to school transport policy.

ARUN DISTRICT COUNCIL LEISURE & GREENSPACE (22/12/2022):

The LEAP scheme appears less challenging than that indicated in the DAS (outline) where larger more challenging and exciting play was indicated. Recommended that further challenging and exciting experiences are provided. The proposed development triggers the requirement for onsite LAP provision, no LAP is proposed.

DAS (outline) inferred that active play in the form of trim trail equipment would be provided within the development, however the reserved matters application does not provide evidence for this. Public open space (POS) public realm furniture has also not been confirmed or detailed. The green infrastructure landscape detail is suitable for the location to allow all-year interest. POS areas will need to connect within and beyond the development site. Pathways need to be all weather and accessible for pedestrian and wheeled users. The Soft Landscape Management and Maintenance Plan are also suitable and committed sum contributions would need to be agreed for payment to the LPA should there be consideration of the open spaces being transferred to the LPA for maintenance. Details of biodiversity net gain are also required to be submitted.

ARUN DISTRICT COUNCIL CONSERVATION OFFICER (23/12/2022):

The proposed development would cause less than substantial harm and as such the public benefits that the development may achieve must be considered as part of the assessment of the application.

PLACE SERVICES (ECOLOGY) (26/12/2022):

No objection subject to securing biodiversity mitigation and enhancement measures.

ARUN DISTRICT COUNCIL DRAINAGE ENGINEER (04/04/2023):

Objection to the proposed development. Whilst the applicant has supplied a Flood Risk Assessment and Drainage Strategy, these do not meet our design requirements. The drainage strategy report does not consider or discuss the use of infiltration methods of drainage. Whilst it is appreciated that the geotechnical report confirms that infiltration rates are low and groundwater is relatively high, the use of permeable paving should be fully explored as this could be implemented whilst maintaining freeboard above groundwater in some areas.

It is essential to establish if there is adequate space for surface water drainage prior to agreement of site layout. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely prejudice the drainage design and may result in the proposal failing to meet policy requirements and increasing flood risk. Presently no evidence is provided to demonstrate the SW basins are deliverable and/or whether DCG compliance is met; comprehensive basin designs and sections will be required.

There is uncertainty in respect of the catchment areas being positively drained and the calculation of QBAR; this requires further clarification.

COMMENTS ON CONSULTATION RESPONSES:

Whilst the information provided may be sufficient to discharge Conditions 17 and 32, this will need to be done in a separate 'Approval of details reserved by condition' application(s).

Other comments are noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-up Area Boundaries

Within the setting of the Barnham Church Lane Conservation Area

Parts of the site are within Flood Zone 2 and 3

CIL Zone 3

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas

HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES2	Water courses
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES7	Development affecting heritage assets
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA3	Contributions to maintain and improve the network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space

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
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, 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.

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 proposal will respect the character and appearance of the area through its design, will provide appropriate internal and external amenity spaces, will provide a sufficient layout with an appropriate amount of public open space, and levels of car and cycle parking, and would not result in significant adverse impacts to landscape and heritage.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The approval of BN/142/20/OUT establishes that the principle of the development of up to 200 dwellings and other associated works on this site, is acceptable in principle. This application seeks approval of the more technical matters of the proposals.

DESIGN, LAYOUT AND CHARACTER OF THE AREA

The area is characterised by low density detached dwellings with large plots, to the south and east including along Church Lane where dwellings are of red brick (including with flint detailing), hanging tiles, white weatherboarding and grey/white render. Further to the north within Barnham, density increases and there is a mix of detached, semi-detached and terraced dwellings of red or brown brick and hanging tiles, and also of white/cream render, particularly along Yapton Road and Marshall Close. Dwelling types, sizes and design varies greatly within Barnham between white/cream painted semi-detached bungalows and two storey detached dark brick dwellings. More modern development is seen to the northwest of the application site at Upton Brks and northeast at Skylark Way where the dwellings are of white roughcast and red brick for the walls and red/brown plain roof tiles. There are few apartment buildings in the area, however an example can be seen just north of the railway at Windmill Court. Development pattern is

varied including linear development along highways and within cul-de-sacs.

The proposed development seeks provides a permeable and accessible layout, with a series of connecting roads that loop around to provide continuous access.

The proposed dwellings vary in type including detached, semi-detached and terraced dwellings and four apartment buildings containing 1-bed units. The heights of the dwellings vary between 2 and 2.5 storeys and the apartment buildings would be 3 storeys tall. The density is 14.49 dwellings per hectare which is appropriate in its semi-rural location, particularly when compared against other more recent development in Barnham including application BN/51/16/RES where the density is 17.25 dwellings per hectare.

In the original submission, the proposed dwellings would have been of either red multi-brick or brown multi-brick with either slate grey or autumn roof tiles and there would have been no detailing. Concerns were raised by the Arun District Conservation Advisory Panel on the 26th November 2022 about the materials proposed.

The proposal was tweaked and the dwellings and apartment buildings are now of one of three brick types including red multi-brick with red detail brick, brown multi-brick with red detail brick and red brick and red quoining. Dwellings are either of Forticrete Gemini slate grey roof tiles of Forticrete Gemini Colour autumn roof tiles. Whilst concrete, these tiles have the appearance of clay tiles and are far more in keeping with the material palette of the area. Tile hanging and flint detailing is also proposed for some of the dwellings. The styles, colours and materials are considered to be in keeping with the character of the dwellings along Church Lane and the wider area, in particular the red brick with flint detailing which is common along Church Lane. The proposed development therefore seeks to 'reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details' in accordance with Policy D SP1 and similarly D SP2 of the Arun Local Plan. It also seeks to 'respect and enhance the built character of the Parishes and their high-quality countryside setting' in accordance with Policy H1 of the Barnham and Eastergate Neighbourhood Plan.

The introduction of the red brick and red quoining and tile hanging and flint detailing, adds sufficient variety amongst dwellings to ensure that the proposed development will not be homogenous and plain. The proposed development is therefore arguably of 'high quality design' as required by Policy ES5 of the Barnham and Eastergate Neighbourhood Plan.

It is noted that Condition 4 on the permission of BN/149/22/PL requires the submission of details of the materials and external finishes of the buildings and the provision of samples of such materials and finishes as required, for this reserved matters application. Some details of proposed materials have been provided, which are considered sufficient to be able to consider the proposed development and that Condition 4 has been complied with. However, greater detail is required prior to commencement, particularly regarding actual bricks to be used (rather than generic brick types) and specific hard landscaping materials. It is therefore appropriate to attach a condition to any decision requiring a detailed schedule of hard landscaping materials prior to commencement, and a detailed schedule of external building materials prior to above ground works.

AFFORDABLE HOUSING

An obligation was agreed as part of the appeal of BN/142/20/OUT to secure the delivery of 30% of the dwellings as affordable housing on a tenure split of 75% affordable rent and 25% intermediate housing. The obligation requires an affordable housing scheme to be submitted to and approved by the Local Planning Authority. No formal scheme has been submitted as part of this application; however, a Tenure Plan has been submitted that shows which units will be provided as affordable rent, intermediate housing and open market. A formal affordable housing scheme will need to be submitted in due course to comply with the legal obligation.

The Tenure Plan shows that affordable housing will be restricted to the northern area of the site. Policy AH SP2 of the Local Plan states that 'Affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or properties avoided. Affordable housing units shall be permitted in small clusters'. With the exception of the apartment buildings which are distinguishable from the market housing by their nature, all affordable units will be of a similar design to the market housing and will therefore be 'indistinguishable from market housing'. However, they are all located to the north of the site, essentially on one large cluster. The spread of affordable housing units set out on the Tenure Plan is therefore not considered to be compliant with Policy AH SP2.

In terms of mix, 45 units would be provided as affordable rent, representing 22.5% of overall provision, and 15 would be provided as intermediate housing, representing 7.5% of overall provision. The remaining 140 units would be provided as open market, representing 70% of overall provision. Policy AH SP2 of the Arun Local Plan requires that 30% of units and provided as affordable which the proposed development would comply with. The proposed development also provides an appropriate tenure split required by the obligation.

Policy AH SP2 requires that 35-40% of units are 1-bedroom, 35-40% of units are 2-bedroom, 15-20% of units are 3-bedroom and 5-10% are 4+ bedroom units, unless there is evidence to suggest that an alternative mix would be more appropriate.

In the original submission, 24 (40%) of the affordable units would have been 1-bed, 22 (36.7%) would have been 2-bed, 12 (20%) would have been 3-bed and 2 (3.3%) would have been 4+bed. This represented an under provision of 4+ bed units.

The scheme has since been tweaked to provide 24 (40%) 1-bed units, 22 (36.7%) 2-bed units, 12 (20%) 3-bed units and 2 (3.3%) would be 4+ bed. No evidence has been submitted to justify the shortfall in affordable 4+ bed units.

It is therefore considered that the spread and mix of affordable housing is not acceptable, and the requirements of Policy AH SP2 of the Arun Local Plan and Policy H1 of the Barnham and Eastergate Neighbourhood Plan are not met at this time. Which houses are affordable is not necessarily a matter that needs to be considered through this reserved matters application given the S.106 already in place. It is proposed that the submitted Tenure Plan and affordable housing mix is not approved, meaning these details will need to be agreed at a later date, but prior to commencement, in accordance with the requirements of the S.106. decision.

RESIDENTIAL AMENITY

Internal Space

All units meet the requirements of the Nationally Described Space Standards (NDSS) with the exception of bedroom 5 of units WIN and WIN Tile Hanging which are single bedrooms with a floorspace of 6.11m². The NDSS state that a single bedroom should have a minimum floorspace of 7.50m².

Policy D DM2 of the Arun Local Plan allows some variation against the space standards where schemes are unable to meet them. In this case, all units comply with the overall space standards, and only 12 of the 200 units have a single bedroom that marginally falls short of the standards. On balance, it is therefore considered that the proposed development complies with Policy D DM2 which requires 'internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs'.

External Space

In the interest of protecting privacy and providing a sufficient amount of private open space, the Arun District Design Guide requires gardens to be at least 10.5 metres deep however smaller private rear gardens are acceptable in specific circumstances. The majority of units are provided with sufficient rear gardens in accordance with the Design Guide guidance, however a small number of units fall marginally short. Given the provision of a significant amount of public open space, the shortfalls against the guidance are considered to be acceptable as residents will have open access to these spaces for leisure and recreation.

The Design Guide requires a back/front to side separation distance of habitable rooms between buildings to be a minimum of 14 metres. All units are provided with adequate separation distances in accordance with the Design Guide.

The Design Guide requires building frontages to be set back at least 2m from the plot boundary to mark defensible space. Some properties fail to provide this including plots 113 and 91. The Design Guide allows for smaller setbacks in very special circumstances where justification exists. In this case, the shortfalls are very minor and typically occur on the corners of dwellings where the separation is from the shared surface. Windows and doors of dwellings are typically set back at least 2m from the plot boundary, ensuring that adequate security is achieved. The shortfalls are therefore do not render the proposals unacceptable.

The Design Guide requires all dwellings to be provided with private or communal amenity space. For apartment buildings, this can be achieved by providing units with communal garden spaces, balconies, or public open space. The proposed apartment buildings include small garden areas serving the ground floor units which are not of any particular merit. However, given the large quantity of open space available to the occupants of these apartment buildings are considered acceptable. The first and second floor units are provided with front facing balconies which measure 5.68m². They are of a sufficient size to comply with the Design Guide guidance for balconies which states that they should be at least 2m². On balance, the proposed development accords with the Design Guide and Policy H5 of the Barnham and Eastergate Neighbourhood Plan which requires development to 'include good quality outdoor amenity space'.

The Design Guide provides minimum requirements to ensure that satisfactory living conditions can be achieved. Overall, it is considered that the proposed development complies with these standards, and it therefore seeks to 'ensure that development does not have a significantly negative impact upon residential amenity' in accordance with policy QE SP1 of the Arun Local Plan.

Noise

Given that the north-western boundary of the application site sits adjacent to the railway line, noise impacts should be considered. A Noise and Vibration Assessment was submitted with the outline application which recommended that amenity spaces which are 20m from the railway line be provided with 1.8m high closed boarded timber fencing. This is reinforced by Condition 31 of the approval of BN/149/22/PL which requires the provision of this fencing. The proposed fencing is shown on drawing DB-SD13-006 which confirms that the required distances are provided.

In addition, the Environmental Health Officer required the higher density development to be situated closer to the railway line to provide an acoustic buffer. This has mostly been reflected on the plans as the three storey apartment buildings are set to the north of the application site, adjacent to the railway. The 2.5 storey dwellings are in the centre of the site however, the 2 storey dwellings to the northeast and northwest of the site, are situated either side of the apartment buildings. The Environmental Health Officer made a representation on this application on the 24th November 2022, confirming that the requirements of Condition 31 are met.

The proposed development would therefore be adequately protected from nearby sources of noise in accordance with Policy QE DM1 which seeks to 'ensure that residents will not be adversely affected by noise' from the identified stretch of railway line that runs through Barnham station. It also complies with Policy QE SP1 which requires all development to 'not have a significantly negative impact upon residential amenity'.

Outlook and Privacy

The layout is fairly compact with the side walls of some of the dwellings being within metres of each other. The applicant has ensured that dwellings do not have side facing windows that would directly overlook the side windows of another property, to provide good levels of privacy. This ensures that the development would 'Have minimal impact to users and occupiers of nearby property and land' in accordance with Policy D DM1 of the Arun Local Plan.

It is recognised that in the future, if permitted development rights were retained, alterations could be made to the roof spaces to create habitable rooms. Whilst in some cases this could potentially be done sensitively and without detriment to the occupants of neighbouring dwellings, roof extensions could result in harm to the privacy and residential amenities of neighbouring occupants by way of overlooking. To address this issue, a condition should be imposed which restricts the construction of dormer windows and dormer extensions through Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order). Such works would require the granting of planning permission by the Local Planning Authority.

ACCESS, HIGHWAYS AND PARKING

Highway Capacity

A Transport Assessment and a Traffic Impact Assessment were prepared as part of the outline application. Whilst the outline application didn't seek to confirm the exact number of dwellings proposed, the assessments were based on the provision of 200 dwellings. The reports assessed the cumulative traffic impact of both this and other consented developments upon the local road network. Both West Sussex County Council, and the Inspector at appeal, concluded that the development would not have a 'severe' impact on the local highway network, subject to a financial contribution being provided towards the mitigation of traffic impacts on the A27.

Considerations have not changed between the outline application, and this reserved matters application. The findings and conclusion of the Transport Assessment and Traffic Impact Assessment therefore remain relevant. West Sussex County Council made a representation on this reserved matters application, stating that they have no further comments regarding highway capacity. The proposed development therefore continues to be policy compliant. National Highways have also commented on the 28th November 2022 that 'We are satisfied that the proposal in this reserved matters application will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity. Therefore we have no objections or comments regarding this reserved matters application'.

Accessibility & Layout

The access arrangements were approved as part of the outline application.

Regarding layout, there would be a road connecting to the access on the southeast boundary of the application site. The access road spurs off into various directions. These spurs mainly provide continuous links, however some of the roads do end. Where this occurs, sufficient turning points have been provided. The submitted Transport Statement identifies that the main access spine road will be 5.5m in width, and the secondary streets will be 4.8m wide. West Sussex County Council as highways

authority commented on the 28th November 2022, that this is in accordance with the Manual for Streets principles and therefore acceptable.

There is a network of paths, pavements and crossing points throughout the site, as well as shared surfaces. The frontages of all dwellings are provided with pedestrian access. There are also several paths within the public open spaces, the LEAP and the allotments providing safe and secure pedestrian links around the site. Public footpath FP323 would be retained but diverted to provide routes from north to south through the site. The footpaths allow access to the open green spaces provided and connect with FP323 in accordance with Condition 23 of BN/149/22/PL. West Sussex County Council - Public Rights of Way commented that the diversion would require Public Right of Way Order and the upgrades to the footpath would require agreement between the landowner and West Sussex County Council. This would be secured by an appropriately worded condition.

West Sussex County Council as highways authority made a representation on the 28th November 2022, confirming that the layout would provide sufficient emergency access and all footpaths would be appropriate and compliant with the Manual for Streets guidelines. As such 'the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and there are no transport grounds to resist the proposal'. The proposed development would comply with Policy T SP1 of the Arun Local Plan as it 'gives priority to pedestrian and cycle movements' and creates 'safe and secure layouts for traffic, cyclists and pedestrians'.

It is recognised that the diversion of footpath FP323 will require the Local Planning Authority to issue a Public Right of Way Order and the upgrades to FP323 will require a formal permissive path agreement between the landowner and West Sussex County Council. Should permission be granted, a condition would be attached requiring the footpath to remain open and unobstructed until such consents are granted.

Regarding the works to the footpath, the applicant submitted a PROW Note which included its specification comprising of recycled aggregate, dust (or a suitable alternative such as chalk or good quality clean coarse crushed quarried material) with a limestone top dressing. West Sussex County Council commented on the 22nd February 2023 that the specification is acceptable but to ensure that the recycled aggregate is clean with no glass, plastic or metal in it. This was also identified in their comments on the 5th June 2023. It is considered that a condition would be appropriate requiring the works to be carried out in accordance with the PROW Note and that the recycled aggregate is clean with no glass, plastic or metal in it.

Parking

The application site is within Parking Behaviour Zone 2 and therefore, as required by the Arun District Council Parking Standards, 1-bed, 2-bed and 3-bed units should provide 2 vehicle parking spaces, and 4+ bed units should provide 3 vehicle parking spaces. In addition, visitor parking will be required to provide a ratio of 20% of the total number of units. This creates an overall requirement for 516 car parking spaces of which 476 should be allocated and 40 should be for visitors.

The proposed development seeks to create 501 parking spaces of which 394 would be allocated, 4 would be unallocated, 57 would be visitor and 46 would be situated within garages (which are counted as 0.5 spaces towards parking provision). The proposed development therefore falls marginally short of the parking standards (15 parking spaces). However, the Parking Standards state that 'A more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres'. 24 of the proposed units will be within apartment buildings whose occupants are typically less likely to use a car than the occupants of dwellings. In addition, a Travel Plan has also been provided which identifies measures to support sustainable travel away from the private car.

West Sussex County Council in their representation on the 28th November 2022, stated that 'The LHA would be satisfied with this amount of parking and given the sites layout that is likely to be the maximum that could realistically be provided'. Whilst the proposed development doesn't comply with the expected levels of parking for new residential development, it is considered that it does provide a sufficient number of car parking spaces in accordance with the Arun District Council Space Standards, Policy T SP1 of the Arun Local Plan and Policy GA4 of the Barnham and Eastergate Neighbourhood Plan.

Furthermore, the proposed garages measure 6.4m x 3.3m which meet the required dimensions of the Parking Standards.

The submitted Transport Statement states that 'all dwellings with a driveway or garage will be provided with fast charge socket infrastructure and the spaces provided for the flats will be provided with in accordance with the 2023 requirement i.e. 30% of spaces'. This level of provision would meet the requirements of Condition 25 attached to the approval of the BN/149/22/PL, and a full scheme for the provision of electric vehicle charging infrastructure will need to be submitted and approved prior to occupation of any of the dwellings, to discharge the condition in a separate application.

The proposed development provides cycle parking spaces within garages, cycle stores within the apartment buildings and other cycle storage units. In total, the proposal would provide 354 cycle parking spaces. The Arun District Parking Standards requires 1-bed houses and flats to provide 1 space, 2-bed houses to provide 1 space, and 3-bed and 4-bed houses to provide 2 spaces. For the 200 dwellings, this would create an overall requirement of 284 cycle parking spaces. The proposed development would therefore exceed the requirement from the Standards and would provide an appropriate level of cycle parking in accordance with Policy T SP1 of the Arun Local Plan and the Arun District Council Space Standards. Details of the cycle stores serving the dwellings have not been provided and would be secured by way of an appropriately worded condition.

Travel Plan

An obligation was agreed as part of the appeal that the applicant would provide a Travel Plan to promote alternative modes of transport to the private car. The Travel Plan includes on site infrastructure measures to encourage sustainable movement, including the creation of a permeable site layout, the delivery of a network of roads designated as low speed streets, and the provision of good quality cycle parking. Offsite infrastructure measures include the connection of the development to established pedestrian infrastructure at Marshall Close and a scheme of improvements to Marshall Close which have already been agreed. The Travel Plan then identifies soft measures to improve sustainable travel, including an information pack for new residents, community notes and website information, residential travel information packs and the promotion of a car sharing scheme. West Sussex County Council commented on the 28th November 2022 that 'The latest TP has been reviewed and we are now in a position to approve the TP with the comments previously made incorporated into the latest TP submitted'.

Paragraph 4 of the Second Schedule of the S106 agreements on the outline application requires the Travel Plan approved at the Reserved Matters stage, or separately, to be implemented in full.

EDUCATION

It is noted that West Sussex County Council as Local Education Authority objected to the proposed development on the 22nd November 2022 highlighting that the applicant had not agreed to make financial contributions towards education provision.

This was discussed by the Inspector in the appeal of the outline application who stated that 'Invariably there are concerns about the capacity of local infrastructure to accommodate demands arising from

future occupiers of new dwellings and whether the appeal proposal would absorb available infrastructure capacity to the potential detriment of the viability of planned strategic development (BEW). If allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education. Additionally, through the planning obligations assessed above, the appeal proposal would make necessary, directly related contributions of a fair scale to ensure the development mitigates its own impacts in a way which would be compliant with the development plan'.

The lack of a suitable site is something the LPA are aware of, and sites for potential secondary school is being revisited, but given this application is for reserved matters when education has already been considered, it would not be appropriate to refuse this application based on the absence of a secured school site - when an appropriate contribution has been secured towards its delivery.

TREES

The applicant has submitted an Arboricultural Impact Assessment (AIA) and Method Statement (MS) which confirms that two category B trees, 3 groups of Category C trees, one Category C hedgerow, a group of Category U trees and two Category U trees would be removed to facilitate the development.

The AIA assesses the impact of tree removals on local character. It states that the removal of G10 would have no detrimental impact on visual amenity or landscape character and H13 does not align with the character of the wider area and its removal would have no detrimental impact. The removal of T4 and T5 would potentially result in short-term visual impact on the appearance of the site however the retention of adjacent mature trees ensures that the landscape character is maintained. The removal of G29 and G38 is not considered to result in a significant adverse impact on visual amenity. There would also be no trees pruned and all of the RPAs of retained trees will be protected and there will be no encroachment during development activity.

The MS outlines measures to protect retained trees from the adverse impacts of development. This includes measures such as a pre-commencement meeting to agree protective measures, tree removal in accordance with British standards, installing protective barriers, a risk assessment to identify pollution control measures, regular arboricultural supervision etc.

The Tree Officer Has not commented on the application, but it is considered that appropriate measures have been recommended to protect all trees that are set to be retained. The Arboricultural Impact Assessment and Method Statement has been submitted to the Local Planning Authority and approved under BN/178/22/DOC. Condition 15 of BN/149/22/PL requires the development to be carried out in accordance with the approved details.

ECOLOGY

An Ecological Appraisal and Ecological Mitigation and Enhancement Method Statement has been submitted which identifies any potential impacts on designated sites and protected species, and recommends a number of protection and enhancement measures to ensure that they are adequately protected and mitigated for, and where possible, habitats are enhanced. A Biodiversity Net Gain Assessment has also been submitted which calculates that there would be a net gain of 37.87% for habitat units, 1151.40% for hedgerow units and 41.26% for river units.

The Ecology Officer commented on the 26th January 2023 that they had no objection to the proposed development subject to securing biodiversity mitigation and enhancement measures. These details have been submitted to and approved by the Local Planning Authority as part of BN/178/22/DOC and Condition 10 of application BN/149/22/PL requires the development to be carried out in accordance with these approved details.

WASTE PROVISION

All detached, semi-detached and terraced dwellings would be provided with private bins. For the apartment building, bins would be situated in two separate bin/cycle stores. This is shown on the submitted Refuse Strategy Plan. Floor plans and elevations have been provided for the communal stores which show that they would measure 10.12 metres by 5.05 metres. Each bin store would contain 8 x 1100 litre Euro Bins.

As confirmed by West Sussex County Council as Highways Authority on the 28th November 2022, the layout is sufficient to accommodate larger vehicles such as refuse collection vehicles and appropriate turning heads would be provided. The proposed development has been 'designed to ensure that kerbside collection is possible for municipal waste vehicles' and 'Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats' in accordance with Policy WM DM1 of the Arun Local Plan. Condition 22 of BN/149/22/PL states that no dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with the details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins. This condition will need to be discharged through a separate application.

DRAINAGE

A Drainage Strategy and Sustainable Urban Drainage System (SuDS) Statement has been submitted which outlines the proposed drainage scheme.

West Sussex County Council as Lead Local Flood Authority stated on the 22nd November 2022 that they had no comments. On the 7th December 2022, Southern Water commented that they have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. The drainage strategy indicates that the proposed attenuation basin is being built within the easement zone. The drainage proposals shall include protection measures to be shown to satisfy the requirement to maintain standoff distances of 5 metres from public sewers. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

The Council's Drainage Officer did not agree with the scheme as the report does not consider infiltration methods of drainage. Presently no evidence is provided to demonstrate the SW basins are deliverable and/or whether DCG compliance is met; comprehensive basin designs and sections will be required. There is uncertainty in respect of the catchment areas being positively drained and the calculation of QBAR; this requires further clarification.

It is considered that these concerns can be addressed through the subsequent discharge of condition application(s).

Conditions 6, 7, 8 and 9 of BN/149/22/PL require, prior to commencement of the development, the applicant to submit details of the proposed surface water drainage scheme, details of any proposals to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site, details of the maintenance and management of the surface water drainage system and details of the proposed foul drainage system, to be submitted to and approved by the Local Planning Authority. These Details are therefore to be dealt with through discharge of condition application(s) instead of this reserved matters stage.

It is important to note that should the applicant need to amend the site layout in response to updates to the drainage strategy, any plans approved through this reserved matters application may need updating. It is envisaged that such amendments would be relatively minor and would be able to be progressed via a Section 73 application.

LANDSCAPE

A Landscape Visual Impact Assessment (LVIA) was submitted with the outline application which concluded that 'it is considered that whilst some harm is acknowledged to the immediate landscape character of the Site itself, the harm is restricted to the Site only and reduces within the immediate setting and furthermore in the wider setting'.

This was partly echoed by the Inspector at appeal, who stated that the 'adverse landscape character and visual effects arising from the loss of countryside would be localised and limited. They would not involve any valued landscapes in the terms of NPPF paragraph 174a) or an important gap between settlements'. However, they went on to discuss that there would be adverse impacts on long range views into the South Downs escarpment to the north, meaning that 'there would still be a moderate residual harm to what is presently a recognised landscape and visual sensitivity', however this could be limited by design in the reserved matters stage.

The applicant has not submitted an updated LVIA which considers the changes between the illustrative site layout in the outline application, the proposed site layout in this reserved matters application, the design of the proposed dwellings and the resulting impact on landscape. It is stated in the submitted Planning Appraisal that 'the proposed development would not result in significant harm to the landscape character or visual environment of the site or surrounding area and can be successfully integrated in this location'.

To soften any impacts, the proposed development comprises a number of landscape works including the provision of allotments and community orchards, enhanced boundary planting and substantial new and native tree and shrub planting, retention and strengthening of vegetation structuring to the north of the site and provision of public open space and a locally equipped area of play (LEAP) and local area of play (LAP).

The Council's Landscape Officer commented on the 22nd December 2022 that the green infrastructure landscape detail 'would allow all year interest, contain a mix of native and ornamental species which would be suitable for location and setting'. The landscaping scheme is considered sufficient. Condition 29 of BN/149/22/PL requires all approved planting, seeding or turfing to be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is 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.

The Officer did not comment upon the impact of the proposed development on the landscape, and whilst an LVIA has not been submitted with the reserved matters scheme, it is considered that the enhanced boundary planting ensures compliance with paragraph 130(c) of the NPPF which requires development to be 'sympathetic to local character and history, including the surrounding built environment and landscape setting'.

OPEN SPACE

An obligation was made as part of the appeal which requires the applicant to submit and obtain approval for a scheme for the provision of public open space and play areas prior to first occupation of any dwelling. The public open space will comprise of play areas (0.24ha) within approximately 7ha of natural and semi-natural green space, allotment and community orchard (approximately 0.3ha) and amenity green space (approximately 0.54ha).

The proposed development seeks to provide circa 7.2ha of total public open space, with the majority to the south and east of the site, creating a landscaped buffer from Church Lane. This space will be of

natural and semi-natural green space. The proposal also seeks to provide circa 0.23ha for community orchards and allotments for local residents, including dedicated vehicle access and parking provision. These will be focussed to the eastern boundary of the application site. The Council's Landscape Officer had no objection to the public open space scheme.

The proposed development seeks to provide a 568m² LEAP on the north eastern boundary of the application site. A plan was originally submitted which showed the location and type of equipment proposed, however on the 22nd December 2022, the Council's Landscape Officer noted that the equipment would not be challenging enough. An updated plan for the play area proposals was submitted which shows that it would comprise a climbing stack, springer, balancing beam, rotating disc, pod swing, pentagonal tower, embankment slide, see-saw and a bench and bin. The play area would be enclosed within a 1 metre high galvanised bow top railings with two sets of self closing outward opening gates with child-proof mesh. There would be a path through the site and some tree, shrub and hedge planting with some areas of grass. At the time of writing, we await updated comments from the Landscape Officer but on the face of it believe the amendments to have addressed the previous concerns.

The original scheme did not propose a LAP, however the plans have been updated to include one to the south of the site which measures 602m². The provision of a LEAP and LAP ensures compliance with the Open Spaces, Playing Pitches, Indoor and Built Sports Facilities supplementary planning document and Policy HWB SP1 of the Arun Local Plan as it is 'designed to maximise the impact it can make to promoting healthy communities'.

HERITAGE

The proposed development would be within the setting of the Barnham Church Lane Conservation Area and within proximity of a number of Listed Buildings, including:

- Grade II Listed Thimbles (List UID: 1276575) circa 200 metres north of the application site.
- Grade II Listed Luckham Cottage (List UID: 1233179) circa 200 metres east of the application site.
- Grade II Listed Curacoa (List UID: 1276728) circa 158 metres southeast of the application site.
- Grade II Listed The Street Cottage (List UID: 1353826) circa 177 metres southeast of the application site.
- Grade II Listed The Lodge of Barnham Court (List UID: 1027691) circa 200 metres south of the application site.
- Grade II Listed Manor Cottage (List UID: 1276754) circa 245 metres south of the application site.
- Grade I Listed The Parish Church of St Mary (List UID: 1027690) circa 300 metres south of the application site.
- Grade I Listed Barnham Court (List UID: 1233144) circa 280 metres south of the application site.

The applicant has submitted a Heritage Statement which identifies and discusses the nearby heritage assets and their significance, before assessing the impact that the proposed development would have on them.

Regarding the impact on Barnham Court, the Heritage Statement states that 'the proposed development would have no impact on the portion of Barnham Court's heritage significance that is drawn from its standing form and fabric; thus ensuring that this is entirely preserved'. It also states that 'The only change to the asset's setting brought about by the development would be the loss of some relatively distant glimpses of the Court's chimneys and roof structure looking over and between the trees and woodland, within the intervening landscaping'. It concludes that the proposed development would not result in a loss of heritage significance.

For Curacoa, it states that 'The proposed development would have no effect whatsoever on the majority of the asset's significance which is derived from its standing form and fabric and similarly there would be no change to the aspects of Curacoa's setting'. It identified that elements of the proposed development

may be visible from the heritage asset, however due to the proposed landscaping, there would be visual separation. It concludes that the proposal would not cause a loss of the building's significance and would not result in any harm.

Regarding Luckham Cottage, it states that as 'there is no intervisibility between these two parts of the settlement, it will not be possible for the proposal to result in any loss of significance of the listed building and therefore it will result in no harm'.

It states that the proposed development 'would have no direct effect on the character or appearance of the Barnham (Church Lane) Conservation Area'. It also highlights that 'There would be an impact on the conservation area and a loss of significance from the conservation area through the reduced spatial separation' from Barnham and focused on the 19th century railway station and ability to experience and appreciate that impact in terms of views out from and across the conservation area in the northeast. It concludes that 'Whilst there would be a loss of significance from the conservation area; when viewed in the context of the asset as a whole and the totality of its significance drawn from the built form and fabric and the other aspects of its setting, it can only be concluded that the scale of harm would be limited'.

The Heritage Statement concludes by stating that the development is 'considered to cause no harm to the significance of the surrounding Listed Buildings and a very minor level of harm to the Barnham (Church Lane) Conservation Area'.

The Council's Conservation Officer commented on the 23rd December 2022 that the proposed development would result in less than substantial harm to nearby heritage assets. As required by paragraph 202 of the NPPF, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits from the proposal including, where appropriate, securing its optimum viable use'.

The public benefits associated with the proposed development include, but are not limited to, addressing the district's shortfall in housing land supply, good public open space provision, affordable housing contribution, job creation and achievement of biodiversity net gain. For the original submission, there was a fine balance which tipped against the proposed development whereby the level of harm outweighed the public benefits. The scheme was subsequently tweaked to provide further tree planting to the south of the site, between the built form of the proposed development and the Conservation Area to provide further screening. This has reduced the level of harm to the Conservation Area, and the public benefits now outweigh the less than substantial harm to nearby designated heritage assets. The applicant has also provided a note titled "Mitigating the visual impact of development to/from the Barnham Conservation Area" which includes several visualisations.

Overall, it is considered that the proposed development complies with policies HER DM1 and HER DM3.

ENERGY EFFICIENCY

Policy ECC SP2 states that all new residential development is expected to be energy efficient and requires applicants to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems

It also requires all major development to produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that it is unviable. Condition 14 of the approval of BN/149/22/PL mirrors this requirement.

No such scheme has been submitted as part of this reserved matters stage, and the applicant must ensure that this is submitted to and approved by the local planning authority prior to commencement of the development through a separate application.

CONCLUSION

The proposal seeks approval of reserved matters for 200 dwellings in respect of appearance, landscaping, layout and scale.

The proposed development would provide an acceptable access, parking and have an adequate impact on highways capacity. It would also provide sufficient internal and external amenity and facilities for waste management. It would have an acceptable impact on biodiversity, trees, landscape and heritage subject to protection, enhancement and mitigation measures. It would also provide a satisfactory landscape scheme and would achieve biodiversity net gain whilst providing plentiful open space. The development is of a high quality design with suitable variation in building styles and the public benefits arising from the development would outweigh the harm caused to designated heritage assets.

On balance, subject to receipt of a response from the Environment Agency confirming no objection, it is considered that the proposed development accords with the development plan and national policy and therefore the application is recommended for approval subject to 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 (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
- Allotment WC Block Elevations and Floor Plans 220615-AB-WC-EP Rev. A
 - Barnham Rife Crossing General Arrangement BSO/E5036/009D
 - Bin/Cycle Store 1 Elevations and Floor Plans 220615-AB-BS1-EP Rev. A
 - Bin/Cycle Store 2 Elevations and Floor Plans 220615-AB-BS2-EP Rev. A
 - Boundary Treatment Plan 220615/09/BT Rev. D
 - Close Boarded Fence DB-SD13-006
 - Coloured Site Layout 220615/02/CSL Rev. E
 - Dwelling Type Plan 220615/04/DT Rev. E
 - Fire Strategy Plan 220615/10/FS Rev. E
 - Hard Landscaping Plan 220615/12/HL Rev. A
 - House Types AHD (Flint) Elevations and Floor Plans 220615-HT-AHD-F-EP
 - House Types AHD Elevations and Floor Plans 220615-HT-AHD-EP Rev. D
 - House Types Apartments Elevations and Floor Plans 1 220615-HT-APT1-EP Rev. C
 - House Types Apartments Elevations and Floor Plans 2 220615-HT-APT2-EP Rev. C
 - House Types CAT (Flint) Elevations and Floor Plans 220615-HT-CAT-F-EP
 - House Types CAT Elevations and Floor Plans 220615-HT-CAT-EP Rev. D
 - House Types DEA Elevations and Floor Plans 220615-HT-DEA-EP Rev. D
 - House Types HAV Elevations and Floor Plans 220615-HT-HAV-EP Rev. D
 - House Types HOP Elevations (Tile Hanging) and Floor Plans 220615-HT-HOP-T1-EP
 - House Types HOP Elevations and Floor Plans 220615-HT-HOP-D-EP Rev. D
 - House Types HOP Elevations and Floor Plans 220615-HT-HOP-EP Rev. D
 - House Types HOP-D (Flint) Elevations and Floor Plans 220615-HT-HOP-D-F-EP
 - House Types HOP-D (Tile Hanging) Elevations and Floor Plans 220615-HT-HOP-D-T1-EP
 - House Types KEN Elevations and Floor Plans 220615-HT-KEN-EP Rev. D
 - House Types KNI Elevations and Floor Plans 220615-HT-KNI-EP Rev. D
 - House Types LAM (Tile Hanging) Elevations and Floor Plans 220615-HT-LAM-T-EP
 - House Types LAM Elevations and Floor Plans 220615-HT-LAM-EP Rev. D
 - House Types MAT Elevations and Floor Plans 220615-HT-MAT-EP Rev. D
 - House Types MEW (Tile Hanging) Elevations and Floor Plans 220615-HT-MEW-T-EP
 - House Types MEW Elevations and Floor Plans 220615-HT-MEW-EP Rev. D
 - House Types MIL Elevations and Floor Plans 220615-HT-MIL-EP Rev. D
 - House Types MON Elevations and Floor Plans 220615-HT-MON-EP
 - House Types SHE (Tile Hanging) Elevations and Floor Plans 220615-HT-SHE-T-EP
 - House Types SHE Elevations and Floor Plans 220615-HT-SHE-EP Rev. D
 - House Types T51 Elevations and Floor Plans 220615-HT-T51-EP Rev. D
 - House Types T52 Elevations and Floor Plans 220615-HT-T52-EP Rev. D
 - House Types T54 Elevations and Floor Plans 220615-HT-T54-EP Rev. D
 - House Types T55 Elevations and Floor Plans 220615-HT-T55-EP Rev. D
 - House Types TUD Elevations and Floor Plans 220615-HT-TUD-EP
 - House Types WIN (Tile Hanging) Elevations and Floor Plans 220615-HT-WIN-T-EP Rev. A
 - House Types WIN Elevations and Floor Plans 220615-HT-WIN-EP Rev. A
 - Impermeable Areas Layout BSO/E5036/014E
 - Landscape Masterplan BDWS23957 10 Rev. B
 - Landscape Proposals BDWS23957 11C
 - Landscape Proposals BDWS23957 11C Sheet 1
 - Landscape Proposals BDWS23957 11C Sheet 2

Landscape Proposals BDWS23957 11C Sheet 3
 Landscape Proposals BDWS23957 11C Sheet 4
 Landscape Proposals BDWS23957 11C Sheet 5
 Landscape Proposals BDWS23957 11C Sheet 6
 Landscape Proposals BDWS23957 11C Sheet 7
 Landscape Proposals BDWS23957 11C Sheet 8
 Landscape Proposals BDWS23957 11C Sheet 9
 Levels Strategy Sheets 1 BSO/E5036/002E
 Levels Strategy Sheets 2 BSO/E5036/003E
 Levels Strategy Sheets 3 BSO/E5036/004E
 Location Plan 220615/LP Rev. A
 M4(2) & M4(3) Plan 220615/11/M4(2)-M4(3) Rev. K
 Materials Plan 220615/08/MP Rev. H
 Open Space Conveyance BDWS23957 50 Rev. B
 Open Space Proposals BDWS23957 20D Sheets 1
 Open Space Proposals BDWS23957 20D Sheets 2
 Open Space Proposals BDWS23957 20D Sheets 3
 Open Space Proposals BDWS23957 20D Sheets 4
 Open Space Proposals BDWS23957 20D Sheets 5
 Open Space Proposals BDWS23957 20D Sheets 6
 Open Space Proposals BDWS23957 20D Sheets 7
 Open Space Proposals BDWS23957 20D Sheets 8
 Open Space Proposals BDWS23957 20D Sheets 9
 Open Space Proposals BDWS23957 20 Rev. D
 Parking Plan 220615/06/PP Rev. E
 Play Area Proposals BDWS23957 21 Rev. B
 Refuse Strategy Plan 220615/07/RS Rev. E
 Single Garage Elevations and Floor Plans 220615-AB-SG-EP Rev. A
 Site Layout 220615/01/SL Rev. Z
 Site Location Plan BSO/E5036/001
 Storey Heights Plan 220615/03/SH Rev. E
 Substation Elevations and Floor Plans 220615-AB-SUB-EP Rev. A
 Twin Garage (Gabled) Elevations and Floor Plans 220615-AB-TG-G-EP
 Twin Garage Elevations and Floor Plans 220615-AB-TG-EP Rev. A
 Site Visibility ITB18228-GA-003 Rev. H
 Swept Path Analysis - Estate Car ITB18228-GA-004 Rev. D
 Swept Path Analysis - Estate Car ITB18228-GA-005 Rev. D
 Swept Path Analysis - Fire Appliance ITB18228-GA-002 Rev. H
 Swept Path Analysis - Refuse Vehicles ITB18228-GA-001 Rev. G

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

- 2 Notwithstanding the submitted drawings and details, no development shall commence until a detailed schedule of materials, and samples if required, to be used in the implementation of the approved hard landscaping scheme has been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the hard landscaping scheme.

Reason: To enable the Local Planning Authority to control the development in terms of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 3 Notwithstanding the submitted drawings and details, no development shall commence until a

detailed schedule of materials, and samples if required, to be used in the construction of walls, fenestrations, and roofs of dwellings has been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the dwellings.

Reason: To enable the Local Planning Authority to control the development in terms of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 4 The infrastructure and soft measures set out in the Travel Plan (i-Transport Ref: DS/ITB18228-002A TP) shall be implemented as approved. The implementation will be undertaken in accordance with Section 7 (management and implementation) and Section 8 (Monitoring) of the report.

Reason: To provide healthier, active and more environmentally sustainable travel options to the use of the car in accordance with Policies T SP1, T DM1 and QE DM3 of the Arun Local Plan.

- 5 Floor plans, elevations, and roof plans of cycle stores shown on the approved Site Layout Parking Plan 220615/06/PP Rev D shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking for each dwelling shall be installed in accordance with the approved plans prior to occupation of said dwelling, and shall thereafter be retained at all times for their designated purpose.

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

- 6 The works to Footpath FP323 shall be carried out in accordance with the PROW Summary Note (ITB18228-003 TN) and any recycled aggregate shall be clean with no glass, plastic or metal in it.

Reason: To provide convenient, safe, comfortable and attractive routes for pedestrian and cyclists in accordance with Policy T DM1 of the Arun Local Plan.

- 7 Footpath FP323 shall be kept open and unobstructed until a Public Path Order has been issued by the Local Planning Authority for the diversion of the footpath and a formal permissive path agreement is made between the landowner and West Sussex County Council for upgrading the footpath.

Reason: To enable the Local Planning Authority and Local Highways Authority to control the development in terms of active travel and accessibility in accordance with Policy T DM1 of the Arun Local Plan.

- 8 Notwithstanding the provisions of Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no dormer windows or extensions shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To ensure the amenities of future occupants are protected from overlooking or loss of privacy in accordance with Policy D DM1 of the Arun Local Plan.

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](https://www.arun.gov.uk/weekly-lists)

[this link.](#)

BN/147/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: LU/299/22/PL

LOCATION: Land North of Littlehampton Academy
Littlehampton

PROPOSAL: Development of the site to provide 101 dwellings and associated car parking, cycle parking and landscaping. This application is in CIL Zone 4 and is zero rated.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks full planning permission for 101 dwellings, with associated parking and landscaping. The proposal includes a central village green and a large portion of the eastern part of the site is retained and improved as an open meadow.

SITE AREA The application site has an area of 6.6ha, with 4.26ha forming the developable area.

RESIDENTIAL DEVELOPMENT DENSITY The proposed density is 23.7dwellings per hectare (dph) based upon the developed area of the site (4.26ha)

TOPOGRAPHY Mostly flat, with level changes limited to approximately 1.3m across the site.

TREES 14 Grade 'U' trees are required to be felled regardless of any development, due to health and safety. The development proposes to fell three category 'C' individual trees (T003, T013 and T020), two category 'C' areas of trees (A001 and A002), one category 'C' group of trees (G002), two trees from a group of category 'B' trees (G004) and fourteen trees from one group of category 'C' trees (G006).

There are Two Tree Preservation Orders (TPO) which cover trees on the site, which are as follows:

TPO/LU/1/22 protects T1 - Hybrid Black Poplar, T2 - London Plane, T3 - Lombardy Poplar, T4 - London Plane to the East of the site adjacent to Oakcroft Gardens.

TPO/LU/2/18 protects 7No. Sycamore, 1No. Norway Maple, 1No. Grey Poplar, 1No. Lombardy Poplar & 1No. Beech adjacent to the Daisyfields development to the north of the site.

The trees protected under a tree preservation order are all proposed to be retained.

BOUNDARY TREATMENT The site is largely open with views into the site possible from Fitzalan Road to the west. The southern boundary is shared

with Littlehampton Academy and features palisade fencing with no mature boundary vegetation. There is some existing whippet planting to the west of the boundary outside of the site. There are mature trees to the north of the site. The two Tree Preservation Orders (TPO) protect trees to the north and east of the site.

CHARACTER OF LOCALITY

The site sits within the built-up area of Littlehampton, to the south of the A259.

The existing site is a 'U' shaped open green field, and although it is not a formal open space with any public right of way, the site is regularly used by local residents, largely accessing the site from Oakcroft Gardens and the Fitzalan link road.

Residential development exists to the east, west and north of the site. The houses within Oakcroft Gardens to the east are mainly bungalows, whereas the Daisyfield development to the north is a mixture of two storey dwellings and four storey apartment buildings, one of which is located close to the boundary of the application site.

Littlehampton Academy is located to the south of the site separated by the school playing fields. Cornfield School is located immediately to the north of the site. To the immediate west is the Fitzalan link road.

There are no designated or non-designated heritage assets on the application site. There are buildings of character to the east, north and west, however there will be no inter-visibility between these and the proposed development.

RELEVANT SITE HISTORY

PAA/12/22/	Request for Pre-Application Advice for developing 110 new homes aligning our proposal to local demand, mix as well as the Arun District Design Guide 2021.	Refuse Pre App 17-06-22
------------	--	----------------------------

The applicants have undertaken extensive pre-application engagement with the Council and draft proposals were presented to the Littlehampton Advisory Group in February 2022.

REPRESENTATIONS

The application was re-publicised due to the amended description and plans. The publicity period runs until the 29th June 2023, and therefore the recommendation to members reflects this.

Littlehampton Town Council - Objection due to:
- Mix of market and affordable not spread throughout the site

- No solar panels
- No left only junction for the access
- Noise levels not taken with future use levels in mind
- Removal of 22 trees
- Design felt to be unimaginative.
- Room sizes only above minimum, potentially due to the increase in number of dwellings.

The Town Council have been re-consulted on the amended proposals.

To date, a total of 66 objections have been received with the following comments:

- Lack of suitable infrastructure - doctors, schools, dentists, public transport, jobs
- Too many houses on the site
- Loss of green space and dog walking site
- Removal of 22 mature trees; site access positioned so that it removes trees and other places along boundary better suited; removal of trees will decrease privacy for school
- Ecological appraisal based on one visit only and removal of scrub prior to ecological surveys taking place
- The site supports bats, and other protected species
- Biodiversity impacts (loss of overall wildlife) and net gain only 2.44 and seems overstated
- Opportunity missed to install solar panels
- Proposed greenspace is an odd shape and layout and comments on who will maintain the greenspace
- Missing information on sewage, drainage and rainwater storage and no capacity in foul sewers
- Affordable housing unaffordable for average income earners
- Highways implications - congestion, noise, air quality
- The response from Environmental Health is incorrect as they state the road is 30mph and not 40mph along Fitzalan
- Restriction for Littlehampton Academy expanding after built houses
- The environmental health response is wrong - it is a 40mph road and not 30mph
- There is a water shortage / concern over water pressure with additional houses
- Trees within residential gardens proposed to be removed for no reason
- POS is odd shape, and reduced size promised in Neighbourhood Plan
- Construction traffic should access Fitzalan link and not from Oakcroft Gardens
- The current land would break the Highways Act 1980 as the land is dedicated as a public highway
- Need adequate parking to ensure emergency vehicles are not obstructed
- Privacy issues with Daisyfields
- Need cycle provision from Oakcroft meadow and details of accessible kissing gate
- Planting/ screening needed on site between proposed dwellings and Littlehampton Academy
- Issues with overlooking to schools, and construction disturbance
- Soft landscaping not good enough
- Issues with boundary fencing to Cornfield school (overbearing, lighting)

The above comments have been noted and considered in full. Where relevant, they are discussed in the report below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Re-consultation request made on additional information provided.

WSCC Highways - The principle of the site access has been accepted, and Highways are satisfied that visibility splays can be achieved. Highways have been reconsulted on the Design Audit for the creation of the new priority junction onto Fitzalan Road, and the junction capacity details that they requested.

ADC Greenspace - An objection has been raised due to the need for the site to include onsite playspace provision (NEAP, LAP and LEAP). The pathway needs to be DDA compliant and all weather useable. The Greenspace officer has been re-consulted on the amended plans.

ADC Drainage - No objection subject to securing adequate planning conditions for detailed drainage designs. The layout provided will be adequate to allow a policy compliant surface water drainage scheme. Drainage have been re-consulted to ensure that these comments are still applicable.

SUSTRANS - No objection, recommend looking at footpath width and accessible kissing gate.

Economic Regeneration - No objection subject to securing the inclusion of an Employment and Skills Plan via a planning condition.

Sussex Police - No objection raised, and standing advice provided on designing out crime.

Natural England - No objection.

Archaeology - No objection, subject to securing the programme of archaeological investigation works via the imposition of a suitably worded planning condition.

WSCC Lead Local Flood Authority - No objection

Ecology - No objection subject to securing biodiversity mitigation and enhancement

Housing Strategy and Enabling - Advice provided on what would be acceptable. Provision of 30% affordable units would be acceptable and should be secured through a Section 106 agreement.

Water & Access & Fire & Rescue - No objection, however requested a planning condition to be imposed to ensure that fire hydrants are within 150m of dwellings.

NHS - Required S106 financial contribution to overcome objection.

Southern Water - No objection. Requested inclusion of a condition to ensure that foul water and surface water disposal have been agreed prior to commencement.

WSCC Education - Objection raised due to lack of capacity for secondary schools. However, if the development was to be approved financial contributions would be required within the S106.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
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
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 4	Housing Site Allocations
Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply
Littlehampton Neighbourhood Plan 2014 Policy 16	Open Spaces
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character
Littlehampton Neighbourhood Plan 2014 Policy 19	Lyminster Bypass & the A27 at Arundel
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 23	Infrastructure Investment Priorities

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
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, The South Inshore & South Offshore Marine Plan and Made Littlehampton Neighbourhood Development Plan.

The site is allocated within the Littlehampton Neighbourhood Plan, Policy 4.

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 considered to conflict with the Littlehampton Neighbourhood Plan, however there are material considerations which warrant the departure, which is explained in full below.

OTHER MATERIAL CONSIDERATIONS

There are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**SUBSTITUTE PLANS**

The applicant undertook extensive pre-application engagement with the Council, however on submission of the application the Council found further issues which were not highlighted to the applicant at the time of the pre-application discussions. The applicant has worked proactively and positively with the Council to address officers' concerns.

The applicant submitted additional plans during the determination of the application, which were re-consulted on and re-advertised. The main changes to the scheme were:

- Reduction of units to 101 dwellings from 117;
- Inclusion of a play provision;

- Rear facing development to western boundary now changed to side facing;
- Rear facing development to eastern meadow now changed to all be front facing;
- Amended distribution of car parking within 'Mews' areas;
- Changes to orientation of dwellings adjacent to Cornfield School to reduce overlooking;
- Inclusion of boundary fencing to south to provide garden privacy, and;
- Re-distribution and changes to the mix of affordable housing.

PRINCIPLE OF DEVELOPMENT

Part of the site falls within the Neighbourhood Plan housing allocation. Policy 4 of the Littlehampton Neighbourhood Plan states the residential allocation should provide for "approximately 100 dwellings comprising primarily 2, 3 and 4 bedroom houses, to be delivered in the period 2020 - 2029, subject to the provision of a new open space on land adjacent to Oakcroft Gardens."

The remainder of the site is within the Built Up Area Boundary (BUAB) as defined by Policy SD SP2 of the Arun Local Plan (ALP), within which the principle of development is accepted. The principle of development is therefore acceptable subject to the developments accordance with other relevant development plan policies.

HIGHWAYS

Policy T SP1 of the ALP seeks to ensure that development provides safe access onto the highway, contributes to local highway improvements and promotes sustainable travel. Policy 19 of the Littlehampton Neighbourhood Plan requires that development of the allocated site should not occur before the completion of the A284 Lyminster Bypass scheme (northern and southern sections). The supporting text to Policy 19 of the LNP states that this work is required to significantly improve the capacity of the road network to serve the growth of the town already envisaged over the plan period.

The proposed development is intended to be accessed by a priority junction circa 200m south of the Fitzalan Road / A259. The Town Council in their representation raised concerns with the design of the access due to highway safety and as such requested the adoption of a left turn only. However, WSCC acting as Local Highways Authority have raised no objection to the access arrangements for the site and the local planning authority have no basis on which to disagree with these conclusions. Therefore, the proposed access would accord with policy T SP1 of the ALP and would not result in an unacceptable impact on highway safety.

The Transport Assessment (September 2022) and Road Safety Audit, have been reviewed by WSCC. A further Transport Technical Note (December 2022) was submitted following the original response from WSCC and this document is currently the subject of re-consultation with WSCC.

At the time of writing, the Lyminster bypass remains incomplete with the northern connection between Hampton Park and Lyminster Road unbuilt. It is expected that the final part of the Lyminster bypass will not be complete until autumn 2024. Therefore, there would be conflict with Policy 19 of the Neighbourhood Plan if the site was to be brought forward before completion of the bypass. However, the Transport Assessment submitted in support of the application has confirmed that the proposed development would not result in any existing junctions operating over capacity. It should also be noted that given the remainder of the bypass is anticipated to be completed in Autumn 2024 that the development is unlikely to be substantially occupied prior to the completion of the bypass.

WSCC highways are yet to provide an updated consultation response following the submission of the technical note. Subject to no further objections or issues being identified by WSCC it is anticipated that despite the proposals non-compliance with Policy 19 of the Littlehampton Neighbourhood Development

Plan (LNDP) that the proposals would not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network in accordance with paragraph 111 of the NPPF. The updated consultation response from WSCC will be included as part of the report update.

DESIGN AND LAYOUT

Substitute plans were received during the application process to address officer concerns, which resulted in all proposed dwellings addressing the meadow area, and the proposed dwellings adjacent to the Fitzalan link road orientated side facing (originally rear facing). These changes resolved concerns regarding natural surveillance to the meadow. Whilst a front facing scheme would have provided more opportunities for an active frontage and better public realm, there are multiple points of access and more overlooking within the amended layout. Therefore whilst not all concerns were fully addressed, the layout provides for natural surveillance and does positively address Fitzalan Road.

The proposed built form is located primarily to the west of the site, with the eastern part of the site to be retained as open space. Policy 4 of the Neighbourhood Plan requires development to provide new open space adjacent to Oakcroft Meadows, and therefore this design approach is supported.

The layout includes a primary east-west access road with dwellings to the south of the road. To the rear of these dwellings, adjacent to the southern boundary of the site, are mews' which contain 4 or 5 dwellings with parking forward of the primary elevations. A central village green is proposed within the main part of the site, with further mews development along the northernmost boundary of the site. There are pedestrian links from the existing residential development to the east, Oakcroft Gardens, through the site and onto the Fitzalan Link Road. The layout provides natural surveillance, opportunities for solar gain, a strong movement network for pedestrians, and good legibility.

The dwellings proposed are of a simple contemporary form, and predominantly two storey semi-detached properties, measuring approximately 9.4m in height. Eight detached properties of 1.5 storeys are proposed adjacent to the northern boundary and measure approximately 7.9m in height. There would be a mixture of gable fronted and eaves fronted dwellings within the scheme. There is limited variation in house types across the site as a whole, and gable fronted 3-bedroom dwellings dominate the east-west access road, which has the potential to be overly repetitive. However, there are different elevational treatments proposed, and given the scale of development and the relationship of it with the main east-west route through the site it is considered to be a positive response which results in a strong sense of place and identity for the development.

Parking is generally on plot, typically to the sides of the dwellings, reducing the presence of cars within the street scene. Where allocated off plot parking is proposed, there are a maximum of four car spaces in a row, and they are proposed to have additional landscaping to soften their impact. Parking within the mews areas of the development are well spaced and screened from the main public routes through the site. Therefore, the parking arrangements are considered acceptable and would not detrimentally impact upon the character of the development.

Rainwater downpipes, gutters, electricity, EV and data points have been provided on elevational plans, and have been located discreetly to minimise their presence.

Overall, the layout provides a legible scheme which responds to the characteristics of the site and the wider locality. The proposed layout provides a permeable layout with strong linkages through the development. Therefore the proposed development is in accordance with policies LAN DM1, D SP1, D DM1 of the Arun Local Plan (ALP), the Arun Design Guide (ADG) SPD, and the National Design Guide and NPPF, and is considered acceptable.

MATERIALS

The proposed material palette is simple and includes: two brick types, zinc-like roofs to porches. Roofs predominantly feature grey roof tiles, but some plots will feature standing seam roofing to provide some variation. The Arun Design Guide (L.01) supports the use of a simplistic palette, and this will enhance the contemporary character as well as to help create a sense of place.

The proposed brick types will be used throughout the scheme, and the use of typical stretcher bond, and an alternating projecting brick course on selected front and side elevations will provide interest throughout the scheme.

The materials are considered a positive response to the existing residential development within the locality and Littlehampton as a whole. The exact distribution and specification of materials will be controlled by a planning condition to allow details to be provided and approved by the Local Planning Authority.

AMENITY

ALP policies D DM1 and QE SP1 seek to ensure development contributes positively to the quality of the environment and protect residential amenity for both occupiers and neighbours.

The scheme has been amended along the northern boundary, with the dwellings having been rotated 90 degrees in order to remove windows overlooking the school playing field. This has reduced the number of dwellings adjacent to this boundary and secured the provision of a maintenance strip between the application site and Cornfields School. This approach has had a positive impact upon the relationship between the development and the school.

The interface distances between the dwellings (front to front, rear/front to side, and back to back) are in accordance with the Design Guide, and are all acceptable. Distances between existing and new dwellings adjacent to the site boundary also accord with the Design Guide. The layout of the dwellings therefore provide sufficient privacy and amenity for occupants as well as protecting the existing amenity of existing residents.

All gardens meet the 10.5m depth requirement as per the ADC Design Guide, which is extended to a minimum of 12m at the site boundaries.

Given the above, the amenity of future occupiers of the site as well as existing residents and adjoining uses would be acceptable and would accord with ALP Policies D DM1 and QE SP1, and the ADG SPD.

NOISE

The application was accompanied by a noise impact assessment (Stage 2 Environmental & Intrusive Noise Assessment Report May 2023) to demonstrate that noise levels of the proposed dwellings are acceptable both internally and externally. The specification of Air Source Heat Pumps will be conditioned to ensure that the cumulative impacts do not result in any unacceptably adverse impacts on the amenity of future occupiers of the site. Environmental Health are yet to provide a response on the amended information submitted, and any comments received will be provided as a report update to the committee.

OPEN SPACE AND PLAY PROVISION

The Public Open Space (POS) required for the site is 7,710sqm. The proposals include 207,508m² of open space, made up of a mixture of natural and semi-natural, and amenity green space. Approximately

201,000m² of this figure includes the meadow area. The quantum of POS proposed accords with Policy OSR DM1 of the ALP, and would exceed the requirements established through the Open Space SPD (January 2020).

The proposed development, by virtue of its size, would be required to provide approximately 555m² (0.0555ha) of Local Area of Play (LAP)/Local Equipped Area of Play (LEAP) provision, and a Neighbourhood Area of Play (NEAP) (0.666ha). The original application did not show any on site play provision, however, the proposals have been amended during the application process to include play provision within the village green. The proposals include one enhanced LEAP (ELEAP) of 667m² with 9 pieces of play equipment, including an inclusive roundabout and swing set. There is no provision for a NEAP and given the sites constraints and presence of play provision in the area, an ELEAP is considered acceptable to mitigate the lack of NEAP provision.

However, there are amenity concerns with the ELEAP given the location within the central green and the distance to dwelling facades. There are no set distance buffers within the SPD for ELEAPs, only for LEAPs (20m) and NEAPs (30m), however given the increased capacity of an ELEAP we would typically expect a 25m buffer. This is not currently achievable given the layout of the development. Therefore, it has been requested that the applicant amend the location of the ELEAP to the meadow, which would address amenity concerns.

The Greenspace Officer has been re-consulted on the amendments to the scheme, and comments will be reported as part of the updated ahead of committee.

HARD AND SOFT LANDSCAPING

The proposed hard surfacing materials proposed include permeable block paving, and tarmac for roads, in buff, and grey colours. The proposed materials demarcate parking spaces within the mews courtyards and would be conditioned to allow the submission of specifications of materials, ensuring materials are of high quality in line with D DM1. The proposed materials are considered an appropriate response to the wider character of the site and would not appear out of character or in conflict with the wider locality of the site and are therefore considered acceptable.

There is a good variety of tree, shrubs and hedgerows, made up of native and non-native species. The planting stock proposed is mature and will soften the impact of built form and provide good amenity. Planting has been located along primary and secondary roads, contributing to legibility, green infrastructure connectivity and shade. Planting is provided within areas of parking which will reduce the presence of cars within street scene.

The western frontage of the site adjacent to the Fitzalan link road is under a current S278 Agreement, which has secured a substantial planting barrier between the road and the application site. Once matured, this will provide substantial screening and soften the developments edge. Therefore, further planting along this boundary is not considered necessary to mitigate the impact of the proposed development.

Overall, the soft landscaping will contribute to a good quality public realm and soften the developments frontage and would accord with Policy D DM1, E.02 of the Arun Design Guide.

PROTECTED SPECIES AND BIODIVERSITY NET GAIN

A preliminary ecological appraisal has been undertaken, followed by bat and reptile surveys. Mitigation measures for both bats and reptiles have been proposed, and the Councils Ecologist is satisfied with the recommendations. Suitably worded conditions have been included as part of the recommendation in

order to secure further detail of the mitigation strategies.

Furthermore, additional biodiversity enhancements such as hedgehog boxes, hedgehog friendly fencing, bird boxes/tiles, bat boxes/tiles and boxes, and hibernacula across the site have been suggested within the application documents and will be secured via condition.

There is a Biodiversity Net Gain of 2.3% for habitat units and 18.15% for hedgerow units, which accords with policy ENV DM5 within the Arun Local Plan.

TREES

The relevant policy considerations in relation to trees are policy ENV DM4 of the ALP and policy EH6 of the ANDP. Both policies seek to prevent the loss of trees which contribute to amenity.

There are two Tree Preservation Orders affecting the site. TPO/LU/1/22 protects T1 - Hybrid Black Poplar, T2 - London Plane, T3 - Lombardy Poplar, T4 - London Plane to the East of the site adjacent to Oakcroft Gardens. No tree within this order is proposed to be removed, however it is proposed to re-inspect the trees after removal of brambles and dead branches.

TPO/LU/2/18 protects 7No. Sycamore, 1No. Norway Maple, 1No. Grey Poplar, 1No. Lombardy Poplar & 1No. Beech adjacent to the Daisyfields development to the north of the site. Root pruning of the Norway Maple will be required to facilitate the proposed turning heads, but no trees are proposed to be removed that are protected under either TPO.

An Arboricultural Impact Assessment has been submitted, which confirms 14 Grade U trees are required to be felled regardless of any development, due to health and safety. The assessment also states that it is "necessary to fell three category 'C' individual trees (T003, T013 and T020), two category 'C' areas of trees (A001 and A002), one category 'C' group of trees (G002), two trees from a group of category 'B' trees (G004) and fourteen trees from one group of category 'C' trees (G006) to achieve the proposed layout".

295 trees are proposed within the layout, which is considered to acceptably offset the proposed loss of trees on the site and as such the proposals would accord with policies D DM1, ENV DM5 and ENV DM4 of the ALP.

HOUSING MIX AND AFFORDABLE DWELLINGS

Littlehampton Town Council Neighbourhood Plan Policy 4 seeks to secure this development allocation primarily for the delivery of 2, 3, and 4 bedroom dwellings.

Policy H DM1 (Housing Mix) of the ALP requires developments to seek a mix of dwelling types and sizes in general accordance with the Strategic Housing Market Assessment (SHMA). The SHMA provides the latest evidence base for housing mix need, and includes 1 bed dwellings.

The Planning and Compulsory Purchase Act 2004 (s38) indicates that where there is conflict between policies, the conflict must be resolved in favour of the policy contained in the most recent plan, which is the Arun Local Plan and the associated SHMA.

The proposal seeks to provide the following housing mix:

2 Bedroom: 24 units (24%)

3 Bedroom: 69 units (68%)

4 Bedroom: 8 units (8%)

Comments were provided from the Affordable Housing Officer highlighting the lack of 1-bedroom dwellings. However, Policy H DM1 recognises that housing mix should be negotiated on a case-by-case basis. The inclusion of an apartment block of 1-bedroom dwellings was proposed during pre-application discussions, but this was felt to be overly dominant adjacent to Fitzalan Road and as such was removed from the proposals.

The site is surrounded by sensitive existing uses, such that taller overbearing buildings would be a less appropriate response to the established character of the locality. An attempt has been made to maintain a two storey development, which is considered an appropriate response to the existing character of the locality. Therefore, the proposed mix of dwellings is considered appropriate and based on the above, the proposal would deliver a satisfactory mix of housing.

The application would secure 30 affordable housing units within the S106 agreement. The mix of affordable proposed is: 20 affordable rented (14 x 2 beds, 6 x 3 beds); 8 First Homes (all 2 beds), and 2 Shared Ownership (all 2 beds) which fully accords with the expectations of policy AH SP2 of the ALP and the Interim Policy Statement 'First Homes' 18th October 2021.

The Town Council highlighted concerns with the distribution of affordable housing units, but this has since been amended and the units would be distributed appropriately across the site. Therefore, the affordable housing is in small clusters throughout the site as required by policy AH SP2 of the ALP.

INTERNAL SPACE STANDARDS AND ACCESSIBLE DWELLINGS

The proposed dwellings meet the thresholds for the Nationally Described Space Standards, and whilst the Town Council have noted disappointment that some house types are only just above this, the size of the dwellings is acceptable.

Arun District Council have published guidance to assist in the interpretation of Policies D DM1 and D DM2 in relation to accessible dwellings. The guidance document would expect for a development of this size to contribute 50 (i.e. 50%) dwellings to M4(2) standard (Accessible Homes), and 4 dwellings to M4(3) standard (Wheelchair Accessible).

It is not proposed to provide any M4(3) standard dwellings, which is not in accordance with published guidance. However, 100% of the scheme is M4(2) compliant which is a significant overprovision, and, on balance, this overprovision is deemed to mitigate the under provision of M4(3) units.

The document approved is a material consideration but is not a policy requirement or an adopted SPD. Therefore, whilst the absence of M4(3) dwellings is disappointing, the provision of 101 dwellings to M4(2) standard can be adequately conditioned and is deemed to offset the shortfall.

Therefore, the scheme complies with Policy D DM2 in terms of internal space standards and provides for adaptability in accordance with D DM1 and the Arun Design Guide SPD.

CAR AND CYCLE PARKING

ALP Policy T SP1 and the adopted Arun District Council Parking Standards SPD (January 2020), seek to provide sufficient parking, ensure safe access within and on to the highway network and promote sustainable transport.

Development is allocated within parking zone 2, and therefore 2 no. allocated parking spaces are

required for all one-, two-, and three-bedroom dwellings. 3 no. parking spaces are required for four-bedroom properties, and 20 visitor parking spaces are required.

The overall allocated parking provision is 210 spaces, and all properties have adequate allocated parking in accordance with the Parking SPD. 21 visitor spaces are also proposed, and of this provision 11 are accessible parking spaces, which equates to 5% of the total provision which aligns with the requirements of the parking SPD.

Cycle parking is provided for each dwelling; two-bed dwellings will have one bicycle storage space, three and four-bed dwellings will have two bicycle storage spaces. The cycle parking will be provided as cycle stores located within rear gardens which is an acceptable solution. With all houses having rear access to gardens.

Based on the above, the proposal would deliver satisfactory parking provision for bicycles and vehicles and would accord with Policy T SP1 of the ALP and I.01 of the Arun Design Guide.

ELECTRIC VEHICLE CHARGING (EV)

Policy T SP1 of the ALP and ADC Parking Standards SPD 2020 requires development to provide for active EV charging points. This can be suitably conditioned to ensure that details are provided and the EV charging points are provided prior to occupation which would ensure the development accords with Policy T SP1 and the ALP as well as the Parking Standards SPD.

WATER, FLOODING AND DRAINAGE

Southern Water have no objection to the proposal and have confirmed that there is capacity within the network for foul sewerage disposal.

ADC Drainage Engineers have reviewed the original application and have confirmed that the layout will not jeopardise the provision of a policy compliant surface water drainage scheme. They have raised no objection subject to imposing conditions to secure the detailed drainage designs prior to commencement. WSCC Lead local Flood Authority have also raised no objection. Both consultees have been consulted on the new plans to ensure that their comments remain unchanged. Subject to the proposed conditions, the development is in accordance with Policy W DM3 of the ALP.

EXTERNAL LIGHTING

External lighting locations have been provided on the Hard Landscaping details. Details will need to be secured in relation to their design, and specification to ensure that the lighting design would not adversely impact upon bats. Subject to the proposed lighting condition, the development would accord with Policy QE DM2 of the ALP.

AIR QUALITY

Major developments are required to assess and mitigate any negative impacts on air quality. An Air Quality Assessment has been undertaken which identifies several mitigation measures for air quality, such as using Air Source Heat Pumps, providing bicycle storage, EV provision, and a suitable CEMP which minimises dust during the construction phase. These will be conditioned and therefore the requirements of Policy QE DM3 of the ALP has been met.

CONTAMINATION

Environmental Health have confirmed that the findings presented are accepted, and that there is no objection subject to the imposition of a suitably worded condition to secure a remediation and verification report.

ARCHAEOLOGY

A desktop study has confirmed that the site has a moderate to high potential to contain archaeological remains of local to regional significance, based upon the West Sussex Historic Environment Records. The Council's archaeology advisor is satisfied with the conclusions within the archaeological desk-based assessment (October 2021, By Orion, reference PN3139_2). Therefore, subject to the inclusion of a suitably worded planning condition, the application would accord with policy HER DM6 of the ALP.

REFUSE AND BIN COLLECTION

Refuse and emergency vehicle tracking has been provided, which shows that fire engines can access the dwellings.

Refuse vehicle tracking shows that the collection points within the mews clusters are accessible by vehicles. Therefore, the details proposed ensure that appropriate refuse collection and safe fire access.

CLIMATE CHANGE AND SUSTAINABILITY

Policy ECC SP2 of the ALP requires major development to provide at least 10% of energy demand from renewable sources. The application proposes the 101 units to be heated using air source heat pumps, which is a renewable technology. Therefore, the principle of air source heat pumps are acceptable, a planning condition will be used to ensure that at least 10% of the predicted site energy demands are met through this provision.

The Town Council previously requested solar panels in pre-application, however, they support the provision of air source heat pumps. The type of renewable energy source is based on a case-by-case basis, and the use of one technology over another is not a consideration within policy. Therefore, subject to confirmation that the air source heat pumps or another method would generate 10% of the developments predicted energy demands the proposals would accord with policy accords with Policy ECC SP2.

The proposed water use per person is proposed to be less than 110 litres per person per day, which is in accordance with Policy W DM1 of the ALP. This will be secured via condition to ensure that the optional standard is met.

INFRASTRUCTURE AND FINANCIAL CONTRIBUTIONS

Policy INF SP1 of the ALP requires developments to proportionally contribute to wider infrastructure and service needs.

This application is located in a £0psqm CIL zone, and therefore no infrastructure contributions will be collected through the CIL charging regime.

The applicant has agreed to enter into a Section 106 agreement to secure the necessary infrastructure relating to the development. A Heads of Terms will be included alongside the report update setting out the contributions for this development in accordance with policy INF SP1 of the Arun Local Plan once the updated consultation responses have been received.

CONCLUSION AND RECOMMENDATION

The applicant has made significant amendments to the application to overcome/address the concerns raised by the LPA and statutory consultees. Given the amendments to the proposal it is in accordance with the Arun Design Guide, and the Local Plan policies. As such, it is recommended that the application is approved subject to the conditions proposed.

The publicity period finished on 19th June 2023, and therefore the recommendation to members is as follows:

"To grant delegated authority to the Group Head of Planning to grant planning permission subject to conditions and a s106 agreement once the consultation period has ended, so long as no material matters which have not already been considered through the recommendation report are raised.

If any new material considerations are raised which have not been addressed, then delegated authority is given in consultation with the Chair or Vice-Chair of the Planning Committee to determine the application as appropriate."

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

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 SUBJECT TO A SECTION 106 AGREEMENT

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 documents:

21080_03-07-100_Proposed Site Plan - P3
 21080_03-07-101_Proposed Ground Floor Plan - P3
 21080_03-07-102_Proposed First Floor Plan - P3
 21080_03-07-105_Proposed Roof Plan - P3
 21080_03-07-200_Proposed Elevations and Sections 01 - P3
 21080_03-07-201_Proposed Elevations and Sections 02 - P3
 21080_03-07-202_Proposed Elevations and Sections 03 - P2
 21080_03-07-010_Building Heights - P3
 21080_03-07-011_Unit Types and Amenity Areas - P3
 21080_03-07-012_Indicative Tenure Plan - P3
 21080_03-07-021_Refuse Storage and Collection - P3
 21080_03-07-022_Site Vehicle Parking - P3
 21080_03-07-400 - 2B3P Semi-detached House - P2
 21080_03-07-411 - 2B4P Terrace House 01 - P3
 21080_03-07-412 - 2B4P Terrace House 02 - P3
 21080_03-07-413 - 2B4P Semi-detached House (eaves fronted) - P2
 21080_03-07-420 - 3B4P+ Semi-detached House - P2
 21080_03-07-421 - 3B4P+ Semi-detached House - P2
 21080_03-07-432 - 3B5P+ Semi-detached House - P2
 21080_03-07-436 - 3B5P+ Detached House - P2
 21080_03-07-440 - 4B6P Semi-detached House - P2
 21080_03-07-443 - 3B5P Detached Dormer House- P2
 230517-21080_03_Unit Types Schedule Revision P5
 1444-HED-DR-03-001 P03 Illustrative Masterplan
 1444-HED-DR-03-002 P04 Hard Landscape Plan
 1444-HED-DR-03-003 P03 Soft Landscape Plan
 1444-HED-DR-03-006 P05 Trees to be Retained
 1444-HED-DR-03-007 P05 Trees to be Removed
 1444-HED-DR-03-008 P05 Trees to be Proposed
 1444-HED-DR-03-009 P05 Boundary and Fencing Plan
 1444-HED-DR-03-010 P02 Planting Schedule
 1444-HED-DR-03-013 P01 Play Area Detail Plan
 1444-HED-DR-03-014 P02 Play and Open Space Plan
 Air Quality Assessment Update

Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with the aims of the Local Plan.

- 3 Prior to the commencement of the development, including any works of demolition, a Construction and Environmental Management Plan (including for biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and adhered to throughout the entire construction period. The submission shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the details of any compound locations,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- biodiversity CEMP measures (risk assessment, biodiversity protection zones, sensitive security/work lighting, covering foundation gaps overnight for badger protection, sensitive working practices, location and staging/timing of certain works to avoid adverse impacts on species, ecological clerk of works).
- details of a pollution control measures for bats (In accordance with the recommendations within the Bat Survey Report 2022, RP-HED-062, Page 15).

Reason: In the interests of highway safety, and the protection of amenity of local residents in accordance with policy T SP1, QE DM1 and QE DM3 of the Arun Local Plan. And in the interest of the protection of protected and priority species so that development is in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 4 Prior to the commencement of development, other than works of site survey and investigation, full details of the proposed surface water drainage scheme are required to be submitted and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 Prior to the commencement of development details shall be submitted and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. 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.

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

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

- 7 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

- 8 Prior to the commencement of the development, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted and approved by the Local Planning Authority. The programme shall be implemented in strict accordance with the approved details.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 9 Prior to the commencement of development an Arboricultural Method Statement and Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved. Where felled trees are proposed, a soft fell approach should be taken.

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

- 10 Prior to the commencement of development an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include but is not limited to the following:

- Details and locations of integrated bat bricks / tiles and non integrated bat boxes on retained trees.
- Inclusion and details of fencing gaps to allow movement of small mammals across the site,

such as hedgehogs.

- Details and locations of hibernacula, log piles and hedgehog nesting boxes.
- Details and locations of integrated and non integrated bird boxes, including barn owl boxes.
- Details of the timings of the delivery of the measures above.

The approved plan shall be implemented in full in accordance with the agreed timings and details.

Reason: To ensure the retention, protection and enhancement of biodiversity in accordance with Policies ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition to prevent harm to potentially vulnerable species.

- 11 Prior to the commencement of the development, a reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation will be carried out in full accordance with the details approved.

Reason: To conserve and enhance protected and priority species to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority habitats & Species)

- 12 Prior to the commencement of the development, the applicant shall submit an Employment and Skill Plan for the development to be approved in writing by the Local Planning Authority. Following approval, the developer will implement and promote the objectives of the plan.

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

- 13 No development above damp proof course (DPC) level shall take place until full details are submitted to and approved in writing by the Local Planning Authority demonstrating how the development will ensure a minimum of 10% of the predicted energy supply uses either decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF), unless otherwise agreed in writing by the Local Planning Authority. Any physical features that are required as part of the works must be installed in full accordance with the approved details and installed prior to the occupation of each dwelling and shall be maintained in good working condition.

Reason: In order to secure a reduction in on site energy use through renewable energy provision in accordance with the NPPF, and Policy ECC SP2 of the Arun Local Plan.

- 14 No development above damp proof course (DPC) level shall take place unless full details of the pumping stations and substations on the site have been submitted and approved by the Local Planning Authority.

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.

- 15 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. The development shall be implemented as approved.

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.

- 16 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall be submitted and approved by the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 17 Prior to the occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 18 Prior to the occupation of any part of the development, full details of all external lighting (including streetlighting and security lighting) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) and minimise potential impacts to any bats using trees and hedgerows (in accordance with the BCT/ILP Guidance Note Bats and artificial lighting in the UK 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Details should include, but are not limited to:

- a) The location of lighting columns.
- b) Mitigation measures to minimise potential glare and spillage.
- c) Appearance (including height), and design of lighting columns.
- d) Timings of lighting including timers/PIR sensors to reduce unnecessary lighting.
- e) Details of lighting luminaires (lux levels), lighting temperature (K).
- f) A horizontal illuminance contour plan.
- g) identification of important routes used by foraging bats and demonstration of limiting lighting on these areas.

The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2, T SP1 & ENV DM5 of the Arun Local Plan.

- 19 Prior to occupation of any of the approved dwellings, an Electric Vehicle Charging Strategy

shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended) and shall be implemented and operational prior to the occupation of each dwelling. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 20 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 hydrants 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.

- 21 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, and the particular characteristics of this development in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 22 No development (including demolition) shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: In the interests of neighbour amenity in accordance with QE DM 1.

- 23 All dwellings hereby permitted shall be built to the optional requirement M4(2) - Accessible and adaptable dwellings standard as defined within Part M of the Building Regulations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To deliver accessible homes in accordance with Policy D DM1.

- 24 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority)

shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

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

- 25 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.

- 26 No individual dwelling shall be first occupied until the car parking spaces and access to and from the dwelling have been constructed and are operational, in accordance with the approved plans and details. The parking spaces shall thereafter be retained at all times for their designated use.

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

- 27 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement.

- 28 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 29 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 30 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 31 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

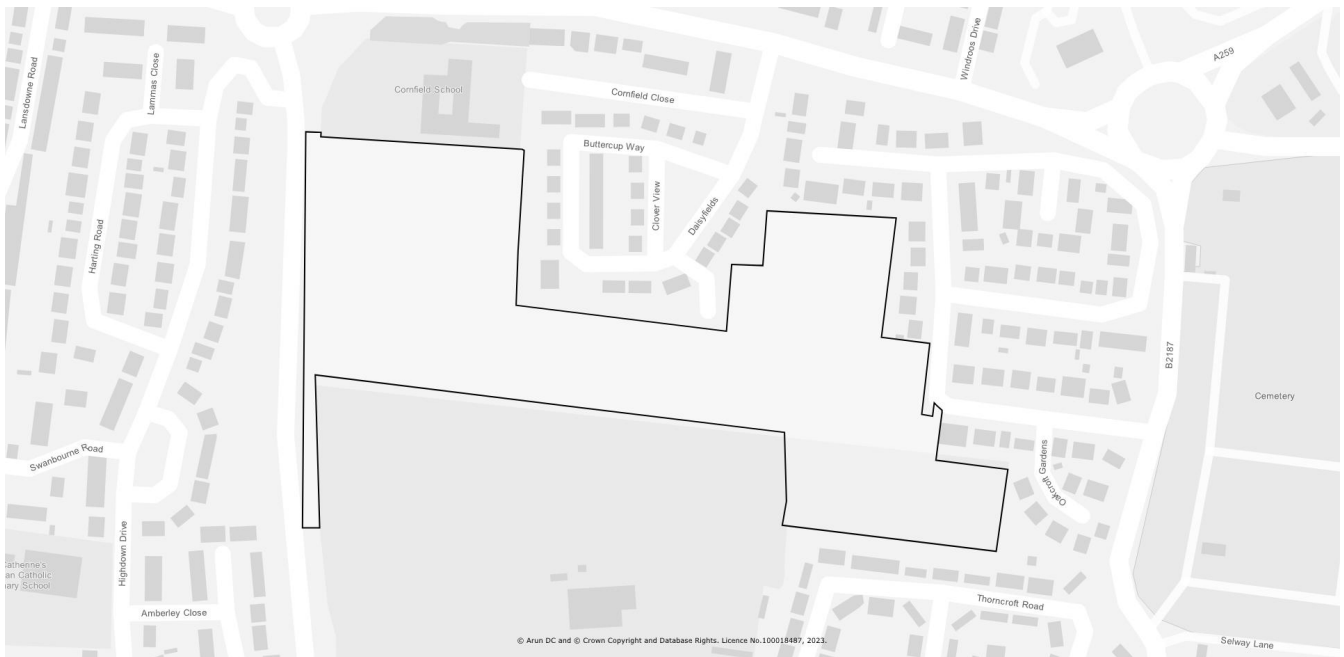
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 32 **INFORMATIVE:** If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

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)

LU/299/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015