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1 December 2023

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 13 December 2023** at **2.00 pm** and you are requested to attend.

Members: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Blanchard-Cooper, Bower, Kelly, 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**

(Pages 1 - 10)

To approve as a correct record the Minutes of the meeting held on 15 November 2023.

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**

DEFERRED ITEM

6. **CM/48/21/RES - LAND TO THE WEST OF CHURCH LANE AND SOUTH OF HORSEMERE GREEN LANE, CLIMPING**

(Pages 11 - 38)

PLANNING APPLICATIONS

7. **P/153/21/RES - LAND SOUTH OF SUMMER LANE AND WEST OF PAGHAM ROAD, PAGHAM** (Pages 39 - 60)
8. **P/139/22/RES - CHURCH BARTON HOUSE, HORNS LANE, PAGHAM, PO21 4NZ** (Pages 61 - 82)
9. **AL/102/23/PL - LAND NORTH OF NORTHFIELD FARMHOUSE, FONTWELL AVENUE, EASTERGATE** (Pages 83 - 104)
10. **A/39/23/PL - LAND WEST OF BROOK LANE AND SOUTH OF A259, ANGMERING, BN16 3JL** (Pages 105 - 134)

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
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.

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Agenda Item 4

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

15 November 2023 at 2.00 pm

Present: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Blanchard-Cooper, Bower, Kelly, Lury, McDougall, Partridge, Patel, Tandy (Substitute for Northeast) and Woodman

Councillors Oppler, Warr and Worne were also in attendance for all or part of the meeting.

362. WELCOME

The Chair welcomed Members, the public, press and those watching the webcast to the meeting. During her welcome she advised that she would be making a change to the order of the agenda, in order to take Item 12 [Y/52/23/PL, LAND AT BILSHAM ROAD, YAPTON, BN18 0LA] as the first item. This was because the officer recommendation had been updated to recommend 'deferral' and as the application had significant interest with those in attendance at the meeting she felt it would be unfair to keep everyone waiting unnecessarily should the Committee be minded to approve the officers updated recommendation.

363. APOLOGIES

Apologies were received from Councillor Northeast.

364. DECLARATIONS OF INTEREST

Councillor Tandy declared a Personal Interest in agenda item 10 [LU/220/23/PL, THE MANSE, 2 ARUNDEL ROAD, LITTLEHAMPTON, BN17 7DB] as a member of Littlehampton Town Council and a member of their Planning Committee who had previously refused the application. He then made an open-minded declaration stating that he would listen to the professional advice given by the officers and will take a balanced view.

Councillor Patel declared a Personal Interest in agenda item 8 [AW/177/23/PL, WEST PARK CAFÉ, SILVERSTON AVENUE, ALDWICK, PO21 2RD] as a member of Aldwick Parish Council.

Councillor Woodman declared a Personal Interest in agenda item 10 [LU/220/23/PL, THE MANSE, 2 ARUNDEL ROAD, LITTLEHAMPTON, BN17 7DB] as a member of Littlehampton Town Council and a member of their Planning Committee who had previously refused the application. She then made an open-minded declaration stating, for the record she was here today with an open mind and with the benefit of the professional officers report, advice and listening to the debate she would be making and objective decision.

Planning Committee - 15.11.23

365. MINUTES

The minutes from the previous meeting held on 18 October 2023 were approved and signed by the Chair.

366. 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

There were no urgent items presented at the meeting. However, the Chair proposed that Item 14 [SCHEME OF DELEGATION AND PLANNING PROTOCOL] be postponed to another meeting of the Committee as she felt a considered response was required. The proposal was seconded by Councillor Wallsgrove, however on putting it to the vote it was clear the rest of the Committee were not of the same view and therefore a postponement was not agreed.

367. Y/52/23/PL, LAND WEST OF BILSHAM ROAD, YAPTON BN18 0LA

5 Public Speakers

Dilys Lownsborough – Objector
Carol Inglis – Objector
Anna Harper – Applicant
Sam Skyes – Agent
Councillor Amanda Worne – Ward Member

Full Planning Application for the erection of 170 residential dwellings; with access and parking, the provision of open space, play space and ecology areas with associated vehicular and pedestrian access, attenuation ponds and landscaping and associated works. This application is a Departure from the Development plan and affects a Public Right of Way.

The Principal Planning Officer presented the report with updates, the Chair then asked the Committee if based on the officer update that had been provided as the recommendation had changed, would they like to defer the application without discussion. Upon taking the vote, 5 members voted for, 5 against with 1 member abstaining. Due to the vote being tied the Chair used her casting vote to vote against deferring the application without discussion. Each public speaker who had registered to speak was then invited to make their statements.

Members raised the following points during debate, concerns that the design of the application was out of keeping with the area, outside of the built-up area, did not meet the areas housing need, was a departure from the Development plan, weather related flooding and drainage concerns within the area due to the current sewer infrastructure. The Group Head of Planning addressed the committee to explain that the comments made relating to being outside the built-up area would not be able to used as a refusal reason due to a previous application on the same site having had permission granted. The Principal Planning Officer was then invited to respond to points raised

where he confirmed that the objection received relating to drainage concerns were in relation to surface water drainage issues only and he believed that these could be resolved through negotiation with the applicant and the Council's drainage engineers which would then result in the objection being removed.

Having listened to the debate Councillor Tandy proposed that the application be REFUSED for the following reasons

1. the development sits outside the Built-up Area Boundary of Yapton, and does not conform to the exceptions criteria outlined in policy H11 of the YNDP2. The proposal would therefore be in conflict with policies H1 and BB1 of the YNDP2, and policies CSP1 and SD SP2 of the Arun Local Plan.
2. The development would result in a loss of Grade 1 and Grade 2 agricultural land, contrary to policy SO DMI of the Arun Local Plan, policy E1 of the YNDP2, and paragraph 174b of the NPPF.
3. The application fails to provide an acceptable Flood Risk Assessment (FRA), Drainage Strategy and supporting information, contrary to NPPF paragraphs 167 and 169, and policies WDM2 and WDM3 of the Arun Local Plan.
4. The proposal by nature of its design fails to reflect the rural character of Yapton and Bilsham, contrary to policy D DM1 of the Arun Local Plan and police H4 of the YNDP2

This was duly seconded by Councillor McDougall and upon the vote being taken;

The Committee

RESOLVED

That the application be REFUSED for the following reasons

1. the development sits outside the Built-up Area Boundary of Yapton, and does not conform to the exceptions criteria outlined in policy H11 of the YNDP2. The proposal would therefore be in conflict with policies H1 and BB1 of the YNDP2, and policies CSP1 and SD SP2 of the Arun Local Plan.
2. The development would result in a loss of Grade 1 and Grade 2 agricultural land, contrary to policy SO DMI of the Arun Local Plan, policy E1 of the YNDP2, and paragraph 174b of the NPPF.
3. The application fails to provide an acceptable Flood Risk Assessment (FRA), Drainage Strategy and supporting information, contrary to NPPF paragraphs 167 and 169, and policies WDM2 and WDM3 of the Arun Local Plan.
4. The proposal by nature of its design fails to reflect the rural character of Yapton and Bilsham, contrary to policy D DM1 of the Arun Local Plan and police H4 of the YNDP2

Planning Committee - 15.11.23

A short 5 minute adjournment was then taken by the Committee at 15:00pm.

368. A/11/23/PL, BMW HOUSE, CHANDLERS GARAGE LTD, WATER LANE, ANGMERING BN16 4EH

(The meeting readjourned at 15:07pm)

2 Public Speakers

Gian Bendinelli – Agent

Alex Fox – Supporter

Demolition of all buildings and structures and erection of retirement apartments with onsite parking including 2 N spaces for Eachways and associated highways works including footway widening (resubmission following A/110/21/PL). This application affects the setting of listed buildings, affects the character and appearance of Angmering Conservation Area and is in CIL Zone 2 and is CIL liable as Older People's Housing.

The Interim Head of Development Management presented the report.

Members raised the following points during their debate, the application was welcomed as the site had been an eyesore for many years and would now improve the visual amenity which was considered an improvement for the village. Concern was voiced relating to affordable housing not being provided and Condition 15 was queried in terms of the age restriction in place and was this in line with the national standard age. The Interim Head of Development Management confirmed that the condition was not standard, but one commonly added.

The recommendation was proposed by Councillor Bower and seconded by Councillor Wallsgrove.

The Committee

RESOLVED

That the application be approved conditionally.

369. A/106/23/PL, THE COACH HOUSE, ARUNDEL ROAD, FONTWELL BN18 0SX

2 Public Speakers

Simon Laparle – Applicant
George Frost – Agent

Detached single storey teaching building clad in timber. This site is a departure from the development Plan and is in CIL Zone 3 (Zero Rated) as other development.

The Interim Head of Development Management presented the report with updates.

The recommendations were then proposed by Councillor Blanchard-Cooper and seconded by Councillor Tandy.

The Committee

RESOLVED

That the application be approved conditionally.

370. AW/177/23/PL, WEST PARK CAFE, SILVERSTON AVENUE, ALDWICK PO21 2RD

(Councillor Patel redeclared his Personal interest in this item as a member of Aldwick Parish Council.)

No Public Speakers

Removal of public toilets and change of use to café only (Sui generis to Class E/A3), refurbishment of existing café including alterations to existing layout and conversion of existing flat roof to useable terrace, and installation of verandah. This application is in CIL Zone 4 (Zero Rated) as other development.

The Interim Head of Development Management presented the report with a verbal update which detailed the following, a change to Condition 4 regarding amended opening times for the café in order to allow it to trade from 9am to 9:30pm to match with the opening times as set out in the lease for the property. Informative 7 had also been added to inform the applicant of the building regulations that may require installation of a lift, to ensure that the roof terrace could be made available for all users and finally that a further objection had been received from the Parish Council.

During the debate it was stated that it was concerning regarding the number of objections in relation to removal of the public toilets, as these weren't based on what was actually happening. It was suggested that maybe there should be a consideration that a report be taken to the Environment Committee in order to complete a review on this topic.

Planning Committee - 15.11.23

The recommendations were proposed by Councillor McDougall and seconded by Councillor Wallsgrove.

The Committee

RESOLVED

That the application be approved conditionally

371. BR/83/23/PL, REGIS CENTRE CAR PARK, BELMONT STREET, BOGNOR REGIS PO21 1LE

6 Public Speakers

Councillor Bob Waterhouse – Bognor Regis Town Council
Peter Coles – Objector
Hugh Coster – Objector
Louise Woodruff – Supporter
Becky White – Supporter
Councillor Jeanette Warr – Ward Member

Demolition of former fire station, and construction of a 5-storey, 116-bedroom hotel with ancillary restaurant and all associated works. This application affects the setting of Listed Building and is in CIL Zone 4 (zero rated) as other development.

The Principal Planning Officer presented the report with updates. After the public speakers were heard, non-committee member Councillor Oppler was invited to address the Committee. The Principal Planning Officer was then invited to respond to any points raised where he addressed the parking concerns that had been made and commented that regarding the residential amenity concerns highlighted, the Arun Design Guide refers to 'rear to rear interface distances of 21 meters or front to front of 16 meters', he confirmed that this relationship was clearly a front to front arrangement and that the 25-degree rule only applies to rear to rear relationships. In summing up he confirmed that Environmental Health nor the Councils Conservation Officer had raised any objections.

Members made the following points during the debate; parking provision was still a concern as it was believed to be vital to the Theatre. The level of disabled parking provision of only 5 spaces was commented to not be good enough. Further comments were made in relation to the wheelchair passing place documented within the Hotel was felt to not be a practical solution, the specifications of the wet rooms were also felt to not be practical for wheelchair users. Concerns were also raised regarding the accessibility for wheelchair users and the current plans mean that these individuals would be required to travel around the entire building due to it having no rear entrance, other than that through a restaurant, which was commented not to be practical. Discussion was also had on the impact to those residents situated at Berkley Court where possible reasons for refusal were considered. However, it was also raised that a previous application BR/156/16PL had been refused and when appealed has been

overturned. Final comments were that a hotel located on Bognor Regis seafront was essential and would benefit the economy of Bognor Regis greatly.

The recommendation was proposed by Councillor Bower and seconded by Councillor Wallsgrove.

The Committee

RESOLVED

That the application be approved conditionally subject to a S106 agreement.

Due to the time and as outlined at Part 5, Rules of Procedure (meetings), Section 2, Committee Procedure Rules, Paragraph 8.1, members then took a vote to extend the meeting by an additional 30 minutes to allow for the remaining business on the agenda to be completed.

372. LU/220/23/PL, THE MANSE, 2 ARUNDEL ROAD, LITTLEHAMPTON BN17 7DB

(Councillors Woodman and Tandy both redeclared their Personal interest in this item as members of Littlehampton Town Council and its Planning Committee.)

1 Public Speaker

Catherine Hill – Applicant

Lounge conversion to increase bed spaces from 6 to 7 HMO. This site is in CIL zone 4 and is CIL Liable as dwelling.

The Senior Planning Officer presented the report.

Members raised the following points during debate, support was expressed for the work completed by Turning Tides and the support they provide to those in the community that need it. It was commented that there had been a concern regarding toilet and bathroom facilities, however these had been alleviated after the officer provided some additional information outside of the meeting. It was confirmed that the previous concerns considered by Littlehampton Town Council were in relation to the amount of amenity space within the development.

The recommendation was then proposed by Councillor Lury and seconded by Councillor McDougall.

Planning Committee - 15.11.23

The Committee

RESOLVED

That the application be approved conditionally

373. R/163/23/PL, 43 OLD MANOR ROAD, RUSTINGTON BN16 3QS

(Councillor Woodman left the meeting at the start of this item and did not return.)

1 Public Speaker

Chloe Jolley – Objector

Erection of block of 5 garages. This application is in CIL Zone 4 (zero rated) as other development.

The Interim Head of Development Management presented the report. After the public speaker was heard, the presenting officer was invited to respond to comments made where he stated that the comment regarding the access becoming a through-road was unfair, conditions could be implemented to manage any unauthorised commercial uses and should these be breached, the Council would take measures to ensure the conditions were met. He also confirmed for members that the comments relating to land ownership were a civil matter and not one for the committee to address.

Members raised the following points during the debate, a suggestion was made by the Interim Head of Development Management that a further condition could be added to address the Surface Water drainage concerns, which was supported by Councillor Wallsgrove. Further clarity was sought regarding the access through-road and concern was raised regarding the potential for the garages to be used commercially. In response to the comments made regarding the previous application that had been refused it was clarified that the current application was for 5 garages a reduction of 2 from the previous application. It was also reconfirmed that should members be minded to approve the application they would not be providing the applicant with any form of legal ownership over the land permission. Reasons for refusal were discussed of which the number of garages were raised as a concern, the Group Head of Planning advised members of a similar application that had been refused on the grounds of noise and disturbance from vehicles coming and going, with the subsequent appeal having been allowed there should not be an automatic assumption that these would be sufficient with this application.

The officer recommendation was proposed by Councillor Partridge and seconded by Councillor Wallsgrove; the vote was LOST with all members unanimously voting against the application.

It was then proposed by Councillor Bower that the application be REFUSED due to an over intensification of garages in a domestic area. The presenting officer suggested some stronger wording for members to consider as an appropriate refusal reasoning. "The proposed garages by reason of their excessive number, siting and close proximity to the host and neighbouring residential properties and the significantly increased vehicular activity and disturbance will result in an unacceptable detrimental impact on the residential amenities of existing neighbouring residential occupiers in conflict with policies D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and the NPPF."

This was formally proposed by Councillor Bower and seconded by Councillor Lury.

The Committee

RESOLVED

That the application be REFUSED due to the proposed garages by reason of their excessive number, siting and close proximity to the host and neighbouring residential properties and the significantly increased vehicular activity and disturbance will result in an unacceptable detrimental impact on the residential amenities of existing neighbouring residential occupiers in conflict with policies D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and the NPPF.

374. APPEALS

Members noted the appeals list presented.

375. SCHEME OF DELEGATION AND PLANNING PROTOCOL

Due to the meeting guillotine, this item was immediately proposed by Councillor Bower to be deferred to the next meeting of the committee; this was duly seconded by Councillor Lury.

The Committee

RESOLVED

That this item be deferred to its committee meeting due to be held on 13 December 2023.

(The meeting concluded at 5.21 pm)

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Report following a request for further information, negotiations or consultation

REF NO:	CM/48/21/RES
LOCATION:	Land to the West of Church Lane South of Horsemere Green Lane Climping
PROPOSAL:	Approval of reserved matters following the grant of CM/1/17/OUT for the erection of 300 No dwellings & a building within use class E, together with public open space, LAPs, LEAP & ancillary works, including car parking & drainage arrangements, with access off Church Lane & Horsemere Green Lane. This application may affect the setting of listed buildings & is in CIL Zone 4 (HSP2) & is not CIL Liable.

The application was presented to committee on 6 September 2023, where Members resolved to defer the application for the following reasons:

"To allow for further negotiations and conclusion on outstanding matters relating to LAP's and LEAPs and the potential harm caused to existing community assets."

The minutes confirm that the Committee wanted two issues addressed, these being:

1) The submission of the specific play provisions for each of the LAP's, LEAP and Fitness Trail; and
2) Any conflict between the existing community assets and the use of the proposed community building already granted at appeal under the outline consent CM/1/17/OUT.

1) The Section 106 agreement attached to the outline planning permission set out the provision of 14.38ha of open space/greenspace/landscaping including:

- 1 x locally equipped play area (LEAP) measuring a minimum of 400 sqm.
- A minimum of 6 Local Areas of Play (LAP) measuring a minimum of 100 sqm.
- Provision of a minimum of 6 pieces of equipment in the semi natural green space area to the west of the site to form a fitness trail.

Notwithstanding that the Section 106 agreement requires plans and details of the play equipment for each phase to be submitted to and approved by the Local Planning Authority, these details have now been provided and form part of the Reserved Matters application as requested by Committee.

The scheme would provide:

- 1 x locally equipped play area (LEAP) 569 sqm which exceeds the minimum of 400 sqm.
- 6 x Local Areas of Play (LAP) which range from 104 sqm (LAP 1, 2, 3, 5, & 6) to 233 sqm (LAP 4) all of which exceed the minimum of 100 sqm.
- Provision of a minimum of 6 pieces of equipment in the semi natural green space area to the west of the site to form a fitness trail.

The Climping Play Provision Booklet (Rev A) sets out the specific details for each LAP, the LEAP together with the Fitness Trail and furniture such as benches and bins and surface treatment.

The Parish Council have been consulted on the proposed play provision and has continued to raise an

objection to the proposed details stating, "that there are no significant changes with the provision of recreational facilities which remains inadequate given the size of the development".

As set out above the provisions proposed exceed the minimum requirements as set out in the Section 106 Agreement. Moreover, the application was not deferred to negotiate the 'size and/or the amount' of the play provisions but to provide the 'outstanding matters' in regard to the details of the play equipment proposed.

The Council's Landscape Officer notes that the 'Climping Play Provision Booklet (Rev A)' details a play strategy which tells a story and connects the play provision across the development. LAP's now include natural elements, seats and bins and have a connection with 'play on the way' which secures a theme to the LAP's as a collective, whilst providing individual and unique play spaces throughout the development.

It is further advised that the LEAP has been improved focusing now on inclusive and accessible play with a stronger unified offer. The play experiences now reflect an age appropriate scheme with varied and fun elements, accessible surfacing, seating, bin and signage.

The fitness trail has been improved and now provides a dedicated and challenging trail, which offers a good range of fitness features which will appeal to a broad range of users. The trail has incorporated seating and signage to inform users and encourage a prolonged use of the space. In addition, pathway finishes to primary routes have been confirmed as tarmac, which ensures all year round accessible access.

Based upon the updated information provided, the Council's Landscape Officer has confirmed that the play provision is now acceptable and recommends its approval.

Officer advice is that the the applicant has provided a significantly greater level of details than they were required to do through a reserved matters submission (as the details of play provision are required to be agreed through the s.106 agreement) and what is proposed exceeds the requirements of the outline permission and s.106.

2) There was some concern at the Committee that the proposed D1 community building and its usage would provide unreasonable competition with the existing Village and Church Hall uses within the immediate locality. The Parish Council are also concerned that the details provided show the building as an empty shell rather than functional space, lacking even basic essential facilities.

The principle of the community building was established by the Outline planning permission granted under reference CM/1/17/OUT following the appeal to the Planning Inspectorate. The provision of a community building has the benefit of planning permission already. As members will be aware, the only matters which remain open to consideration as part of this Reserved Matters approval are layout, appearance, scale and landscaping. Therefore, consideration of matters relating to the use of the buildings and the impact of the proposal upon existing community facilities is not material in the determination of this application.

Comments from the Parish as to the absence of details provided for the internal layout of the community building are noted and this was intentional as the end user is currently unknown and this would have a significant influence upon how the building would be laid out and even what facilities would be required internally. This approach is sensible and is supported by officers to allow flexibility and avoid additional costs being incurred by future occupiers amending the internal layout of the building.

Officers have discussed this issue with the Parish and the applicant has undertaken to carry out a

number of voluntary matters around marketing and layout. However, Committee need to be aware that these cannot be controlled through the planning process.

Further, the Parish have been consulted on these proposals on numerous occasions over the past 2 or 3 years and have not specifically sought to discuss the use of this building with the Council or applicants during this time. It was first raised as an issue at the September Planning Committee.

CONCLUSION

On the basis of the above both matters for deferral have now been resolved and it is recommended that this application is now approved subject to the below conditions.

REPORT UPDATE

Application No: CM/48/21/RES

Reason for the Update / Changes

Reason for Update/Changes:

1. Updated landscape comments were received (31/08/23) from the Council's landscape officer in response to the updated plans. The following comments were submitted:

- No objection to the location and size of the locally equipped area of play (LEAP), local area of play (LAP) and fitness trail. However, no details have been submitted for the equipment to be provided within the play/fitness areas.
- Pathways appear to be mown grass which are not all year round accessible or DDA compliant.
- Trees where shown located on made-up ground (mounds) are not considered to be conducive to establishment, these trees should be re-positioned locally to ensure they will thrive and are achievable of long term retention.
- Seats, litter bins, dog bins and cycle stands all need to be incorporated into a coherent and comprehensive landscape scheme across this development parcel.
- Maintenance responsibility should be confirmed in conjunction with the maintenance specification detail.

2. Ecology comments have been received (04/09/23) in response to the updated plans - No objection is raised subject to previous conditions.

3. It has also been noted that within the summary of consultation responses, some state 'No comment', just to clarify this does not mean that the Council has not received comments from that statutory consultee, it means that the consultee has responded but has provided no comments on the application.

4. Clarification has also been sought by members in regard to heritage impact and drainage. In regard to heritage, members are guided to the comments from the Council's conservation officer (19/11/21) which concludes "I am of the opinion that the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The level of harm is considered to be on the lower end of the scale".

As set out in the committee report weighing in favour of the proposal are, the delivery of housing in the light of housing supply shortfall and the delivery of affordable housing; delivery of development on a strategic allocated site; biodiversity improvements; and employment provision. Each carries substantial weight. Improvements to pedestrian access and contributions towards cycle connection and infrastructure contributions attract moderate weight. On balance, it is considered the public benefits of the proposed development sufficiently outweigh the less than substantial harm identified to the setting of the Listed Buildings/Climping's historic core.

Comments from the Council's conservation officer in terms of materials remain a concern, as such a condition is proposed (Condition 2) for materials to be submitted and approved prior to works above slab level. This has been amended from the previously proposed damp-proof course (DPC) to prevent visible development prior to these details being agreed.

5. In regard to drainage, this was considered and deemed acceptable at outline stage. The site is located

within flood zone 1 where there is a low probability of flooding. The Inspector was satisfied that a sustainable urban drainage system could adequately mitigate effects of the development and details could be agreed through appropriate conditions to mitigate any potential flood risk. These conditions will need to be discharge prior to the commencement of the development.

6. In addition Condition 1 has been updated to reflect the amended plans for the LEAP, LAP and fitness trail as well as removing the 'Key Materials Plan'.

Officers Comments:

1. Amended plans have been received which seek to address the comments of the Council's Landscape Officer. These amendments relocate the LAP from the central area away from water bodies in line with the earlier comments of the landscape officer. These amended plans also confirm that the pathway to the LEAP will be all weather and will be accessible all year round.

In regard to the details of the play equipment, these details will be secured through the Section 106 agreement (Paragraph 4.1 of the Third schedule) which states that no development shall commence on a phase on which public open space (POS) is to be provided until a POS scheme in relation to that phase has been submitted to and approved in writing by ADC. This would include undertaking consultation with the Council's Landscape Officer. Details of maintenance for the POS areas will also be secured through the S106 agreement.

A condition has been included as part of the outline approval which requires that any trees which die, are removed or become damaged or diseased within 5 years of planting must be replaced. Therefore, this condition will ensure the retention of the trees planted on the mounds.

Seating has been shown on the submitted landscaping details but no requirement was identified through the determination of the outline or associated S106 for bins, dog bins or cycle stands and as such provision has not been secured.

2-6. No additional officer comments.

The amendments to the conditions are shown on the attached updated recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO:	CM/48/21/RES
LOCATION:	Land to the West of Church Lane South of Horsemere Green Lane Climping
PROPOSAL:	Approval of reserved matters following the grant of CM/1/17/OUT for the erection of 300 No dwellings & a building within use class E, together with public open space, LAPs, LEAP & ancillary works, including car parking & drainage arrangements, with access off Church Lane & Horsemere Green Lane. This application may affect the setting of listed buildings & is in CIL Zone 4 (HSP2) & is not CIL Liable.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks approval of Reserved Matters for the erection of 300 dwellings, a Community Building and associated works following the granting of CM/1/17/OUT at appeal. The reserved matters that are being applied for comprise appearance, scale, layout, and landscaping. Means of access has been granted approval at the Outline stage.
SITE AREA	27.01 hectares (gross site area).
RESIDENTIAL DEVELOPMENT DENSITY	Based on the residential areas (10 ha) the density is 30 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Mature trees form the southern, western and part of the eastern boundary of the site. TPO/CM/1/04 covers the western and southern tree belts.
BOUNDARY TREATMENT	The southern boundary consists of a woodland tree belt, adjacent to the A259. The eastern boundary, adjacent to Church Lane, also has mature trees and hedgerow becoming more sporadic towards the north-eastern corner of the land. The northern boundary is formed by residential development except for a section that fronts directly onto Horsemere Green Lane.
SITE CHARACTERISTICS	The site is flat agricultural land.
CHARACTER OF LOCALITY	The site lies to the south of Climping. The village has been extended through residential development along sections of Horsemere Green Lane. The village includes a church, church hall and the Rudford Industrial Estate. The settlement of Ford lies further to the north. The surrounding areas to the east, south and west consist of agricultural land except for sporadic development to the south along the A259 including Baird's Farm Shop, housing along Climping Street and St Mary's Church of England School. The Oyster Catcher Public House and Grange Holiday Lodge Park are to the west of the site across the B2233. A village hall and sports pitches are to the east of Church Lane.

RELEVANT SITE HISTORY

CM/1/17/OUT	Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non- Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space & ancillary works, including car parking & drainage arrangements, with appearance, landscaping, layout & scale wholly reserved	Refused 05-09-17
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for subsequent approval. The access detail, showing the points of access to the development, & indicated on Bellamy Roberts drawings numbered 4724/004 & 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan & affects the setting of Listed Buildings.

Appeal: Allowed+Conditions
28-09-18

There was no pre-application correspondence prior to the submission of this reserved matters application.

REPRESENTATIONS

Climping Parish Council objects to the proposal, with their concerns summarised as follows:

- Impact on existing residents
- Design and scale of the development
- Traffic and unsuitable access
- Archaeology
- Sustainable transport
- Poor public open spaces and play areas, potential issues with management
- Drainage
- Landscaping and boundary treatments
- Unfunctional community buildings
- Poor contribution to local services
- Construction times and disruptions

36 public representations have been submitted objecting to the proposal. It should be noted that multiple objections have been submitted under one address, these count as one comment. The main points of concern raised include:

- Development should take place on brownfield land
- Climping coastline is eroding northwards towards the site
- Concern over planting for the northern boundaries
- Concern over loss of historic value of the site
- Concern that the access has changed
- Unhappy with the landscape scheme it will block sunlight out of my garden
- Infrastructure demand
- Traffic, highways safety and car parking
- Impact on residents
- Impact on heritage and archaeology
- External lighting
- Loss of farmland
- Good agricultural land used for food production
- Climate change
- Loss of habitat and impact on ecology
- Increase in crime
- Too much affordable housing

- Lack of sustainable transport options
- Poor public space provision and landscaping
- Concerns with construction times
- Flooding, drainage, and sewage
- Increased crime
- Noise, pollution, and dust
- Impact on landscape character
- Broadband connection
- Lack of infrastructure
- Poor footpath and cycle links
- Poor design
- Outline condition timeframes

COMMENTS ON REPRESENTATIONS RECEIVED:

Material planning related comments noted and addressed in the 'Conclusions' section below. It is noted that many of the issues raised in representations are not relevant to an application for reserved matters as they relate to matters of principle that were established through the outline permission.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEER - Objection. Further information is required to assess the proposal. If permission be granted an additional condition and informative should be added.

CONSERVATION OFFICER - Initial concerns were raised that the proposed northern and north-eastern buffer has been depleted, causing development to encroach on the historic core. Concerns have been raised about the choice of some materials. Additional information and plans were submitted: Concerns remain with regard to the layout of development and its proximity to the historic core of the Parish which is in contrast with the illustrative masterplan of the outline application. Concerns still raised over the design of some of the houses and choice of materials.

LANDSCAPE OFFICER - Objection. Initial details provide a poor locally equipped area of play (LEAP) and local area of play (LAP) offer throughout the site, and there is inadequate soft landscape provision within the revised information. No revised comments have been received on the updated plans at the time of writing the report. These will be provided as an update to committee.

NATURAL ENGLAND - No objection

WSCC Lead Local Flood Authority - No comment

WSCC Waste and Minerals Safeguarding - No comment

NATIONAL HIGHWAYS - No comment

SUSSEX POLICE - General comments received referring to guidance. The development should be designed to Secured by Design Standards. The locally equipped area of play (LEAP) and local areas of play (LAPs) should be surrounded with railings with self closing gates. Communal parking must be within view of an active room. Ground planting should not be higher than 1.0 metre, with tree canopies no lower than 2.0 metres. The local shop should include the provision of CCTV. Lighting throughout should

conform to BS 5489-1:2013. Apartments should be provided with access controls.

HISTORIC ENGLAND - No comment

ECOLOGY - No objection

WSCC Fire and Rescue Services - No objection subject to the inclusion of conditions.

ENVIRONMENTAL HEALTH - No objection. Environmental Health have assessed the Noise Report dated March 2022 by Phlorum (Ref 9709 dated 7/3/22) and have no further comments on the Noise Assessment, providing that all mitigation measures detailed in this assessment are implemented. EH also have no comments on the Construction Management Plan.

ADC HOUSING: Objection. Request that there is a higher number of 2 bed rented dwellings at the expense of 1 bed dwellings, subject to this amendment, there would be no objection.

ARCHAEOLOGY - No objection. It is agreed that the proposed layout, when combined with further investigation of the rest of the site (to be secured via the condition (13) imposed on permission CM/1/17/OUT), would provide a suitable conservation strategy.

ADC Economic Development - No objection

SOUTHERN WATER - No objection

WSCC Highways - No objection

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and either discussed in the report's conclusion or dealt with by conditions.

POLICY CONTEXT

Designation applicable to site:
 Strategic Allocation in the Arun Local Plan (SD10)
 Within the Built-Up Area Boundary in the Arun Local Plan.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1	Aspects of form and design quality
DDM2	D DM2	Internal space standards
DSP1	D SP1	Design
HERDM1	HER DM1	Listed Buildings
HERSP1	HER SP1	The Historic Environment
ENVDM4	ENV DM4	Protection of trees
GISP1	GI SP1	Green Infrastructure and Development
TDM1	T DM1	Sustainable Travel and Public Rights of Way
TSP1	T SP1	Transport and Development
HDM1	H DM1	Housing mix

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN13	Retain buildings or structures of character
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats

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
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

The Climping Neighbourhood Plan (CNP) was made on 13th January 2016. Relevant CNP policies have been taken account of and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the Arun Local Plan would take precedence over the Climping Neighbourhood Plan, should there be any conflict between the two.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 70(2) of TCPA provides that:-

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

The proposed residential development of 300 dwellings and community buildings would result in a well-designed high-quality scheme combining traditional and contemporary architectural styles which would integrate with existing development. The attenuation ponds and swales which form part of the surface

water drainage scheme are acceptable, however, drainage is not a reserved matter and these details will be reviewed and assessed at discharge of condition stage. The proposed open spaces and areas of additional planting, fitness trails and play spaces soften the built form and provides buffers between the existing residential development and the proposed dwellings. The details contained within this application in relation to appearance, layout, scale and landscaping are acceptable and are in accordance with the approved Outline Permission, Development Plan Policies, and the NPPF.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

This application seeks to secure reserved matters approval for appearance, landscaping, layout and scale. All other matters were considered through the determination of CM/1/17/OUT with conditions included in relation to the following matters, which will require discharge prior to the commencement of development:

- Phasing Programme
- Tree Protection and Management
- Surface Water
- Drainage
- Flood Management & Mitigation
- Ecology Management and Mitigation
- Archaeology
- Construction Method Statement
- Travel Plan
- Energy Efficiently Measures
- Acoustic Barrier Measures
- Noise Assessment
- Highway Improvements
- Employment and Skill Plan,
- Broadband

PRINCIPLE

The principle of development at this site was established through outline planning application CM/1/17/OUT for the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1, and a building for A1 use.

The outline permission also considered matters in regard to flood risk, impact on wildlife, loss of agricultural land, countryside location, heritage assets, provision of affordable housing, public open space, children's play and other infrastructure.

COMPLIANCE WITH OUTLINE

It has been established by case law that applications for the approval of reserved matters must be in the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission.

When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make

a material difference to the essence of what was approved.

A number of conditions imposed on the outline approval (CM/1/17/OUT) set parameters for the nature and form of the proposed development and these have been summarised and considered below:

Condition 4 states, development shall be carried out in general accordance with approved plans which consist of:

- Location Plan (Drawing No. P14 4899-01 REV B),
- Access Plans (Drawing Nos. GDB 4724/005 and GDB 4724/013),
- Illustrative Master Plan (Drawing No. P14 4899 01 REV F), and
- Acoustic Barrier/ Noise Bund (Drawing No. P14 4899 03).

The proposed development is broadly inline with the illustrative masterplan apart from to the north and north east. These deviations are discussed in more detail later in the report.

Condition 5 relates to the submission of the reserved matters, this being appearance, landscaping, layout and scale. This application seeks the discharge of these elements.

Detailed plans accompany the application in specific regard to the four criteria requirements set out within condition 5. These are: design, form and architectural feature of the buildings (criteria 5i). A design code masterplan accompanies the application providing details of the street hierarchy, character areas, building typologies, key buildings, car parking, structural planting, street furniture, and treatment of the public realm (criteria 5ii). Details of hard and soft landscaping (criteria 5iii) and details of external lighting strategy (criteria 5iv) have also been submitted all of which are considered in more detail further in this report.

Whilst some information/technical reports have been submitted in relation to pre commencement/prior to occupation conditions, these matters are to be considered separately via the discharge of those conditions.

CHARACTER AND APPEARANCE

Arun Local Plan (ALP) policies D DM1 and D SP1 are relevant in respect of character. In addition, Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that it is provided in small clusters throughout the development. Policy CPN 7 of the Climping Neighbourhood Plan (CNP) is relevant relating to the protection of open views.

The site falls within National Character Area Profile, South Coast Plain. This area is characterised by plain gentle slopes to the south towards the coast, there are stretches of farmland between developed areas. Large arable fields defined by low hedges or ditches are common, and the area has significant urban development, with development along the coastline dominated by suburban villages.

The Arun Landscape Study (2006) identifies that the site lies within the Climping Lower Coastal Plain (31) and states that the area "includes the only substantial area of undeveloped coastline, largely rural, within the floodplain and provides separation between Middleton-on-sea and Littlehampton."

Views of the proposed development are largely confined to vantage points located to the north, east and west, with views restricted by woodlands, shelterbelts, hedgerows and existing residential dwellings surrounding the site. The new boundary vegetation will include additional trees, thicket and hedgerow planting which will reinforce the boundaries and create a strong landscaped edge to the development which respects the mature tree belt to the south of the site.

The Climping Character Assessment notes five character areas which are Parish and Countryside, Coastal, Traditional Climping, Horsemere Green Lane and A259 corridor. The site lies to the south of Horsemere Green Lane character area, part of the site sits immediately to the south of Traditional Climping (north eastern corner of the site), with the remainder of the site falling within the A259 Corridor.

Climping comprises an eclectic mix of historic development ranging from the Church, dating from 1220, to 19th century buildings of brick and flint construction with mainly slate tiled gabled roofs. Some are single storey or chalet style dwelling but the majority are two storey buildings. Horsemere Green Lane, comprises a mix of one and two storey detached and semi-detached dwellings of varied designs with tiled roofs, some of which are traditional slate. Most dwelling in this area are built with brick, some are rendered or tile hung and some faced with Sussex flint.

The A259 Principal road runs east - west, severing the village. The A259 has grassed verges and hedges and trees that partially screen the countryside and the residential areas. There is a footway along the northern side of the A259 (Crookthorn Lane) leading east from the Yapton Road junction towards Littlehampton. Beyond Church Lane this footway opens out to include a cycleway. The south side, and some of the north side of the road, is designated strategic gap in the Arun Local Plan. It is important that a screened and wooded effect along the road is maintained.

There are five modern estates of houses within the Parish area. These estates are laid out in more regular patterns, with houses built on smaller plots with open front gardens and pavements. Most of the houses are detached with only smaller numbers of semi-detached houses. Most are brick built with pitched tiled roofs and some modern thatches, with some reference to traditional flint and render in their construction details. Of particular relevance is Crophorne Drive a development of 28 five bed two and three storey detached houses comprising a mix of brick, rendered and Sussex flint facings.

The development includes a variety of house types ranging in size from 1 bedroom apartments to 4 bed roomed houses. The proposal consists of apartments, terraces, semi-detached and detached dwellings predominately of two and two and half storey in height. This is reflective of the character of the immediate locality of the site.

Some dwellings propose quoining detailing to corners and/or arched window detailing together with porch canopies to front doors, occasional built out porches to match local precedent. Other detail such as grey banding (house type C - Detached House) is proposed to match The Well House.

Roof forms comprise a mix of gable and hipped to reflect the more traditional dwellings and half-hipped roofs to mimic local barn conversions with front-back pitched roofs.

Brick and flint will be present throughout the development, with a variety of brick colour to match existing dwellings such as Church Farm Cottages, The Laurels, and The Barn. Flint blocks will also draw from the existing material pallet, reflecting existing dwelling on Climping Street and Mayfield House. The majority of front gardens are framed by low planting to emphasise the green and open nature of the site.

The appearance of the proposed dwellings recognises the importance of the local character, ensuring key features prevalent in Climping are incorporated into the detailed design.

The development would not result in unacceptably adverse harm to the character of the locality by virtue of the developments restricted visibility within the wider landscape due to the existing landforms, development and existing planting coupled with the additional proposed planting within this submission. Therefore the proposal accords with the requirements of LAN DM1 of the ALP and policy CPN 7 of the CNP.

DESIGN AND LAYOUT

Arun Local Plan policies D DM1, D SP1 and LAN DM1 are relevant in respect of design and layout. Policy CNP 11 of the CNP is relevant to high quality design.

Chapter 12 "Achieving well-designed places" of the NPPF is relevant. It recognises the need for high quality design, and if development is not well designed it should be refused. Paragraph 126 states "the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should be achieved."

Since outline permission was approved, the Arun Design Guide (ADG) has been adopted. Upon analysis, it would appear that the outline masterplan did not conform with certain areas of the ADG. Therefore the drawings submitted as part of the reserved matters application have been amended to conform with the adopted design guide. These changes are reflected in the submitted layout plan and are one of the reasons why the proposed layout plan differs from the illustrative masterplan approved at outline stage.

Changes were also made to the illustrative masterplan in regard to archaeology and drainage constraints. Following further community engagement it was also revealed that the back-to-back gardens with existing properties was strongly objected to by local residents and in particular residents on Cropthorne Drives wished to avoid new houses being built immediately adjacent to them. By making amendments to the illustrative masterplan these matters have been addressed.

Based on the residential areas, the density of the development is 30 dwellings per hectare (dph), which is consistent with the submitted documents which accompanied the outline application (CM/1/17/OUT.) The predominance of two storey, and two and a half storey dwellings on the site is in accordance with the approved outline masterplan. The layout provides for a density and scale which is appropriate to the context, and accords with Policy D DM1 of the ALP, the NPPF and the Arun Design Guide.

The submitted Design Code identifies four-character areas - The Arrival, The Avenue, Countryside Cottages, and The Lanes. The principles of the character areas provide distinct areas which will help distinguish the different parts of the site from one another and will reflect the established character of Climping.

The Arrival - forms the entrance to the site which comprises of a series of rural Georgian houses, seen through gaps in the trees. Turning the corner into the site the apartments at the entrance provide a gateway and key feature which positively address Church Lane.

The Avenue - comprises mainly detached two storey dwellings which frame the main tree lined avenue through the site. The character area follows the tree lined green avenue to a central green/locally equipped area of play (LAP) area and to the large open space area to the west of the site.

Countryside Cottages - is to the north of the site, comprising a series of cottage inspired dwellings overlooking a landscape buffer at the edges. Front gardens are framed by low hedges to retaining the open appearance to the site.

The Lanes - Located to the north west of the site comprise a mix of detached and semi-detached dwellings.

There are two community buildings on site which front onto the central open space toward the Locally Equipped Area of Play (LEAP). These act as a second gateway denoting the transition from The Arrival character area to The Avenue. One of the community buildings is dedicated for A2 use and the other D1 in accordance with the outline permission.

Climping Parish Council raise concerns over the appearance of the community buildings, noting that they have been designed as 'empty shells' rather than functional buildings, lacking even basic essential facilities. The community buildings have been specifically designed, i.e with no fixed internal facilities, in order to be flexible to accommodate different end uses.

The proposed materials, within these character areas respond to the existing details found within Climping, and which will help to integrate the proposal with the existing village context. Not only do the character areas draw inspiration from Climping they are also distinct from one another to provide variation throughout the site which will create visual distinctiveness, in the interests of good placemaking.

The scheme has been reworked to ensure that car parking is not a dominant feature with parking sited behind the building line. Parking which is present within the street scene is broken up by planting or set back within the street scene to mitigate the visual impacts.

Affordable housing is well distributed across the site with clusters of single tenure types largely avoided. Given the designs and sizes of the dwellings these will appear indistinguishable from the market dwellings.

The proposed design and layout provides a form of development that is of high quality which will reflect the established character of the locality. The proposed layout and design accords with the principles established within the outline permission, as well as policies D DM1, D SP1, LAN DM1 and AH SP2 of the ALP, as well as CPN 11 of the CNP, the Arun Design Guide and the NPPF.

LANDSCAPING AND TREES

Arun Local Plan policies D DM1, LAN DM1 and D SP1 are relevant to consideration of landscaping and trees.

It is noted that the proposed landscape buffer to the northeast of the site has been reduced from that which was shown on the illustrative masterplan at outline stage, this is partly due to the reconfiguration to the layout of the dwellings. The revised layout results in dwellings closer to the northern boundary. Subsequently, the 'drainage basin' which was proposed in this area, has been repositioned adjacent to the north eastern boundary, closer to the new road. This allows for an enhanced 'buffer' planting along the boundary between the development and the existing residential development to the north on Crophorne Drive.

Whilst reduced in size, a landscape buffer is provided along the northern boundary together with a drainage basin which together seeks to create a meaningful buffer between the existing and proposed dwellings. The incorporation of the road along this boundary will provide further separation to ensure there is no potential for overlooking to existing neighbouring properties.

Trees are to be retained along the southern boundary and dwellings will face on to this woodland belt. This relationship seeks to ensure that there is no overshadowing of amenity space, which protects the trees from pressure to prune or remove post development. This addresses the concern raised by the Council's tree officer (at outline stage) who noted the dwellings shown on the illustrative masterplan face towards the 'shelterbelt' trees and the possible pressure to allow pruning or felling in the future.

A buffer is proposed along the eastern boundary adjacent to Church Lane, This provides screening for both the users of Church Lane and future residents.

The Landscape Officer originally raised concerns noting that:

"Green infrastructure appears to have been considered in the layout proposals in relation to the proposal from a north south green corridor within the eastern sections of the site, however, this could be seen as being at the expense of the green buffer areas particularly on the eastern edge, which has been depleted within the masterplan and which appears to house significant SuDs features.

The central village green area is small in relation to the POS at the western end of the development. The locally equipped area of play (LEAP) and 1 no. local area of play (LAP) have also now been included within this small village green area which doesn't assist in the formation of sense of place or providing an aesthetic green space at the centre of this development.

The masterplan appears to give greater space between the development and to existing dwellings to the north, again a swale or SuDs feature appears in this location. It was previously recommended that a good green buffer is incorporated in this location to give separation and some screening to allow privacy to the existing and new dwellings in this location. This requested enhanced green buffer to the north of the development is not apparent and does not appear to have been enhanced following previous consultation".

In addition comments were also raised in regard to the LEAP details submitted being extremely poor and not accessible or inclusive as well as concern over the poor offering of the LAP and narrow streets with little scope for meaningful planting.

In order to address concerns raised, revised landscape details have been submitted. Whilst the northern buffer has not changed, the revised landscape details incorporate general amendments together with minor changes to the Public Open Space (POS) area to the west which now incorporates a fitness trail. The main change relates to the central green, which has been redesigned to provide a more meaningful amenity area, complete with enhanced LAP, small pond with viewing area together with seating around the central green area. Overall the development would provide 6 LAPs and a LEAP located centrally within the development.

Updated comments are currently awaited from the Council's Landscape Officer and will be presented to Members as part of the written update prior to the committee meeting.

ECOLOGY

In addition to the details submitted with the outline application, a Preliminary Ecological Appraisal (PEA) was undertaken in October 2020 to assess the potential ecological impact from the development. The PEA identified the potential for the site to support populations of bats, great crested newts and badgers, this was similar to the findings of the PEA submitted at outline stage.

Condition 12 requires an Ecology Management and Mitigation Plan to be submitted and approved prior the commencement of the development.

No objections have been raised with regard to the Ecology reports. The Council's ecology consultant noted in their consultation response that "Full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserved matters application. We require that the LEMP align with Sections 6 and 7 of the Ecological Management and Mitigation Plan (Aug 2021) and Section 4 of the Great Crested Newt Report (June 2021)".

Ecology have been re-consultant on the receipt of the amended landscape plans. Comments are currently awaited and will be presented to Members as part of the written update prior to the committee meeting.

PUBLIC OPEN SPACE/PLAY PROVISION

Arun Local Plan policies OSR DM1 and HWB SP1 are relevant to the consideration of public open space and play provision. However, there are no applicable policies contained within the Climping Neighbourhood Plan (CNP). The Council's Supplementary Planning Document (SPD) for 'Open Space Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS).

In this case the play provision and overarching strategy for POS was established through the outline approval and secured via a Section 106 agreement. The Section 106 agreement secures a provision of 14.38ha of open space/greenspace/landscaping including a locally equipped area of play (LEAP), 6 local areas of play (LAP's), six pieces of equipment in the semi-natural green space area to the west of the site to form fitness trail and the provision for a central village green and a northern green.

Six local areas of play (LAPs) are proposed within the site layout, and these are well distributed. A locally equipped area of play (LEAP) is proposed within the central POS area, which incorporates a combination of timber and metal play equipment consisting of swings, climbing, jumping, and turning play experiences as well as bin and seating facilities.

The fitness trail has been amended and is located within the large open space at the west of the site. This is acceptable and is of an appropriate standard and amounts of equipment.

The play provision has been amended in line with the comments received by the Landscape Officer in July. The play provision now provides inclusive, accessible, and varied play experiences.

The POS provision allows future residents to have adequate access to open space and play provision. Therefore, the proposed development is in accordance with policies OSR DM1 and HWB SP1 of the ALP and the Open Space SPD.

HOUSING MIX AND AFFORDABLE HOUSING

Arun Local Plan policy H DM1 provides for a mix of housing to meet local needs and requires all housing development to provide a mix of dwelling type and sizes to address this need and demand. The supporting text (12.2.4) acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Arun District Councils Updated Housing Needs Evidence Report (2016) highlights the local need;

5-10% 1 bedroom,
40-45% 2 bedrooms,
35-40% 3 bedrooms,
10-15% and 4+ bedrooms.

There is a higher need for 2- and 3-bedroom market dwellings in the local in area.

In this case, the total development comprises:

31 x 1 Bed Units (10.3%), 82 x 2 Bed Units, (27.3%) 72 x 3 Bed Units (24%) and 115 x 4 Bed Units (38.3%)

In regard to affordable housing this equates to 90 units comprised as follows:

Rent (69 units)

25 x 1 Bed Flats (36%), 23 x 2 Bed Houses (33.3%), 17 x 3 Bed Houses (24.6%) and 4 x 4 Bed Houses

(5.7%)

Shared Ownership (21 units)

6 x 1 Bed Flats (28.5%), 9 x 2 Bed Houses (42.8%), 5 x 3 Bed Houses (23.8%) & 1 x4 Bed House (4.7%)

The proposed mixed would deviate from the suggested broad mix identified through the Council's 'Updated Housing Needs Evidence - September 2016'. However, with regard to affordable housing the Council's housing officer notes that there is high demand for affordable housing throughout the Arun District for all types of housing. The Council's housing officer suggests only a slight amendment to the affordable housing mix to include a higher number of 2 bed rented at the expense of 1 bed properties. This would see a reduction in 1 beds from 25 to 21 a decrease of just 4 with an increase in two beds from 23 to 27.

Notwithstanding the comments from the Council's Housing officer, the proposed housing mix is in line with the indicative dwelling mix set out in the seventh schedule of the Section 106 agreement associated with the outline permission (CM/1/17/OUT) and as such the mix is acceptable and ensures that the provision of housing will meet local needs whilst respecting the setting of the site.

Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that it is provided in small clusters throughout the development. Affordable housing is well distributed across the site with clusters of single tenure types largely avoided. Given the designs and sizes of the dwellings these will appear indistinguishable from the market dwellings. Therefore, the proposals would accord with policy AH SP2 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan policies D DM1, D DM2, QE SP1 and QE SP2 are relevant to the consideration of residential amenity. The Council's Design Guide also sets out guidance on interface distances between houses in order to ensure a high standard of amenity for future occupiers. The following standards are established through the design guide:

- Back-to-back: min 21m between habitable rooms of properties or to existing buildings.
- Back/ front to side: min 14m between habitable rooms and side gable of adjacent property.
- Front to front: min 16m between habitable rooms and site boundary to existing landscaping.
- Rear Gardens: Min 10.5m from house to boundary.
- Front Gardens: Min 2m at the front of properties.

The proposed layout and orientation of the dwellings ensures that the scheme accords with these interface distances and as such the development will not give rise to unacceptable adverse impacts on the residential amenities of future occupiers through the loss of privacy due to overlooking, overshadowing or overbearing impacts. The proposed site plan confirms that the layout accords with the Arun Design Guide interface distances and there is no conflict with policies D DM1 and QE SP1 of the ALP.

In addition the Council's Design Guide sets out a garden depth requirement of 10.5 metres. The proposed site layout indicates that the proposed dwellings would meet this requirement.

The floor areas of each of the dwellings and apartments proposed have been reviewed and are in accordance with the Nationally Described Space Standards (NDSS). Therefore, the internal size of the dwellings is appropriate to ensure an acceptable standard of amenity.

As such the proposal would not result in any adverse impact to residential amenity and complies with policy D DM2 and the Arun Design Guide.

PARKING, ROADS, AND PUBLIC FOOTPATHS

Arun Local Plan policies T DM1 and T SP1, and Clymping Neighbourhood Plan policies CPN 11 and CPN 14 are relevant although the latter has reduced weight due to adoption of the Arun Parking Standards Supplementary Planning Document (SPD).

The access arrangements and wider highway impacts were assessed and agreed through the determination of the Outline permission. The latest Transport Statement (TS) looks at areas that have been agreed previously with the Local Highway Authority (LHA) and notifies the small changes proposed as part of this application.

The primary vehicular access from Church Lane and a secondary access onto Horsemere Green Lane was agreed as part of the approved outline scheme. A major improvement to the Church Lane/A259 roundabout which incorporates a realignment of Church Lane to the new roundabout was also agreed as part of the consented scheme.

The reserved matters seeks to adjust the secondary access requirements onto Horsemere Green Lane by proposing that the secondary access, once constructed, is only used for emergency vehicles, cyclists and pedestrians, this results in all vehicular access movement to and from the site being from the approved Church Lane access point. This amendment follows further consultation with the Parish Council and local residents.

West Sussex County Council raise no objection to this amendment noting, "The Transport Statement (TS) provided has undertaken some additional modelling and this demonstrates that the proposed access onto Church Lane still can operate within capacity to the future 2026 year scenario. The modelling also demonstrates that no changes are likely within the distribution and movement of the traffic on the network".

The highway authority conclude, "Based on the information within the TS the Local Highway Authority (LHA) would not consider that the changes to the access arrangements would result in an 'Severe' residual impact on the adjoining highway network in accordance with Paragraph 111 of the National Planning Policy Framework (NPPF)".

The site is located within Parking Behaviour Zone 1 of the Arun Parking Standards Supplementary Planning Guidance. Based on the number of dwellings proposed, the Council's guidance requires a total of 724 parking spaces.

The application proposes a total of 774 allocated parking spaces, 60 visitor spaces, and 23 community building parking spaces, which accords with the requirements of the Arun Parking SPD. The level of parking provision has been confirmed by WSCC as the Local Highways Authority as acceptable and would not result in significant overspill car parking within the development or the surrounding roads. The distribution of visitor parking spaces has been amended so that they are more evenly distributed throughout the site, as such the parking provision is acceptable.

The proposed parking layout should also incorporate 5% of the total spaces, or at least 5% of the total parking provision (most likely visitor spaces) should be capable of conversion to disabled spaces. Revised plans have been received which demonstrate the provision for at least 5% of the proposed parking to incorporate disabled parking can be achieved.

Electric Vehicle (EV) charging points will be made available for visitors of the community building to encourage the use of electric cars and vehicles. In line with Arun District Councils guidance, EV charging points will be provided for all properties that incorporate a driveway and garage and at a rate of 20% for

all remaining properties. EV details will be secured by a condition imposed on the outline application.

The proposed garages are shown as measuring 6m x 3m which meets the minimum size standard established through the Arun District Council Parking SPD. The garages are also of sufficient size to incorporate cycle parking whilst garden sheds will make provision for this where garages are not provided. The proposed apartment blocks incorporate communal bike stores to ensure residents can securely store their bicycles.

In addition to this, a condition has been applied to ensure that no-dwelling shall be occupied until the roads, footways and parking serving that dwelling have been constructed and are available to use.

Road widths align with the principles established through the Design Code and ensure that a hierarchy of streets is created through the development. The road widths as proposed are deemed acceptable and will adequately serve the proposed development. Below is a summary of the road types, their widths and design.

- Primary Streets: the road widths are proposed as 6.0 with 2.0m footway on at least one side of the street.
- Secondary Streets: the carriageway would be at least 4.8m width, incorporating 2.0m footways on at least one side.
- Shared Space Drives: these areas will provide access to multiple plots within the site.

The internal road layout and design as well as parking provision is acceptable and is in accordance with policies T DM1 and SP1 of the ALP and CPN 11 and CPN 14 of the CNP.

HERITAGE

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "that in considering whether to grant planning permission for development which affects listed buildings or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Paragraph 199 of the NPPF (2021) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 202 of the NPPF. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.

Church Farmhouse East and Church Farmhouse West are Grade II Listed Buildings directly adjacent to the site. The Barn to the west of No 1 and 2 Church Farm Cottage is a Grade II Listed Building located 40m from the site boundary, and approximately 240m northeast of site lies St Marys Church and the Vicarage. The site itself does not contain any designated heritage assets.

Historic England raises no objection to the proposal. When assessing the impact on Climping's historic core at outline stage, Historic England noted:

"Whilst Climping's Historic Core should be shielded visually from the development by the same screening which shields St Mary's Church and the Scheduled Monument, the development may have some effect upon its setting due to impact that it would have on the approach along Church Lane.

As highlighted within the Additional Heritage Assessment (AHA), the Landscape and Visual Assessment (LVA) finds that the approach along Church Lane will witness some negative effect, as (due to the road's

fragmentary tree and hedge eastern boundary) some views towards the development will be possible and some impact through increased lighting will be felt. It states that, with proposed additional planting, this effect should be slight negative in 5 years, and negligible in 10-15 years. As a lot of green space is proposed within the design, it also highlights the scope which exists to introduce linear open space within the development to maintain the character of Church Lane. We agree that these mitigation methods should reduce harm to the setting of Climping's Historic Core (at least in the medium-long term), but also agree with the LVA assessment that the proposed mitigation is currently based on a broad brush stroke approach and would need to be subject to refinement and detail design at a later stage".

The appeal Inspector raised no concerns in regard to heritage noting that Historic England's initial concerns had been addressed.

The Council's Conservation Officer has been consulted on the proposed development and has raised concerns, mainly in regard to the extent of the buffer on the north-eastern boundary of the site and the proposed materials.

With regard to materials, whilst these details have been provided, due to the concerns raised over some materials proposed, it has been agreed that materials can be dealt with via a condition.

It has already been acknowledged that the buffer on the north eastern corner has been reduced from that which was shown on the illustrative masterplan due to a change in the layout of the dwellings. However, the plans still show enhanced planting on the north eastern boundary coupled with a drainage basin which together is considered to create a meaningful buffer between the proposed dwellings and the Church Farmhouse East and West. These two Listed Buildings are approximately 80m (back-to-back) from the closest proposed dwelling. The incorporation of the road along this boundary will provide further separation.

Due to the proximity of the proposed dwellings to the adjacent Listed Buildings, the proposed development will result in some harm to the setting and significance of the listed buildings/Historic Core. However, given the separation distance between the proposals and the designated heritage assets it is considered that this impact would sit on the lower level of harm resulting in less than substantial harm. Therefore, in accordance with paragraph 202 of the NPPF it will be necessary to weigh the less than substantial harm against the public benefits of the development.

Weighing in favour of the proposal are, the delivery of housing in the light of housing supply shortfall and the delivery of affordable housing; delivery of development on a strategic allocated site; biodiversity improvements; and employment provision. Each carries substantial weight. Improvements to pedestrian access and contributions towards cycle connection and infrastructure contributions attract moderate weight.

On balance, it is considered the public benefits of the proposed development sufficiently outweigh the less than substantial harm caused to the setting of the Listed Buildings/Climping's historic core. Therefore the proposals impact upon designated heritage assets accords with Policy HER DM1 of the ALP and the NPPF.

WASTE MANAGEMENT

Policy WM DM1 of the ALP is relevant but, in this case, there are no issues with refuse vehicles accessing the site from Church Lane and the application is supported by refuse vehicle tracking as well as details of individual bin storage and communal bin stores. The application achieves sufficient provision for the storage of waste and demonstrates that kerbside collection is possible for all dwellings. As such, the development accords with policy WM DM1 of the ALP.

SUMMARY

The proposed residential development of 300 dwellings and community buildings would result in well-designed high-quality scheme combining traditional and contemporary architectural styles and the proposed development would integrate with the existing settlement. The open space provision along with the incidental street planting will make an important contribution towards the softening of the built form and breaking up the parking provision where present within the street scene. The details contained within this application which relate to appearance, layout, scale and landscaping are acceptable and are in accordance with the approved details from the Outline Permission, as well as relevant Development Plan Policies, and the NPPF.

It is therefore recommended that this reserved matters application is approved subject to the conditions below

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

- 20.050.01 - Location Plan
- 20.050.02 - Site Plan Rev AA
- 20.050.03 - Block R Plots 1-16 Elevations Rev G
- 20.050.04 - Block R Plans Rev E
- 20.050.05 - Block S Plots 10-13 - Elevations Rev G
- 20.050.06 - Block S Plans Rev E

20.050.07 - Block B (CA1) (Formally block T) Rev C
20.050.08 - Block C (CA1) Rev E
20.050.09 - Block F (CA1) Rev E
20.050.10 - HT C (CA1) Rev D
20.050.11 - HT A (CA2) Rev C
20.050.12 - HT B (CA2) Rev C
20.050.13 - HT C (CA2) Rev C
20.050.14 - HT D (CA2) Rev D
20.050.15 - HT E (CA2) Rev C
20.050.16 - HT F (CA2) Rev C
20.050.17 - Block B (CA2) Rev C
20.050.18 - Block C (CA2) Rev F
20.050.19 - Block E (CA2) Rev D
20.050.20 - Block K (CA2) - Elevations Rev C
20.050.21 - Block K (CA2) - Floorplans Rev D
20.050.22 - HT B (CA1) Rev B
20.050.24 - HT D (CA2) Wayfinding Rev C
20.050.25 - Block A (CA2) Rev D
20.050.26 - HT F (CA1) Rev C
20.050.27 - Block D (CA2) Rev F
20.050.30 - Block D (CA1) Rev E
20.050.31 - Block F (CA2) Rev D
20.050.32 - Block H (CA2) Rev D
20.050.33 - Block H - Plans (CA2) Rev D
20.050.34 - Class D1 - Plans Rev C
20.050.35 - Class D1 - Elevations Rev D
20.050.36 - Class A1 - Plans Rev D
20.050.37 - Class A1 - Elevations Rev E
20.050.38 - Block O - Elevations(CA2) Rev D
20.050.39 - Block O - Plans (CA2) Rev D
20.050.40 - HT D (CA2) Wayfinding Rev C
20.050.41 - Block Q - Elevations (CA2) Rev C
20.050.42 - Block Q - Plans (CA2) Rev D
20.050.43 - HT G (CA4) Rev C
20.050.44 - HT B (CA4) Rev D
20.050.45 - HT C (CA4) Rev B
20.050.46 - HT Cv (CA4) Rev F
20.050.47 - HT E (CA4) Rev C
20.050.48 - HT F (CA4) Rev EM
20.050.49 - Block A (CA4) Rev D
20.050.50 - Block D (CA4) Rev EM
20.050.52 - Block F (CA4) Rev C
20.050.53 - Block L (CA4) Rev E
20.050.55 - HT A (CA5) Rev D
20.050.56 - HT B (CA5) Rev C
20.050.57 - HT C (CA5) Rev D
20.050.58 - HT E (CA5) Rev C
20.050.59 - Block A (CA5) Rev F
20.050.60 - Block B Wayfinding (CA5) Rev F
20.050.61 - Block C (CA5) Rev F
20.050.62 - Block E (CA5) Rev D
20.050.63 - Block F (CA5) Rev D

20.050.64 - Block G (CA5) Rev G
 20.050.65 - Block H - Elevations (CA5) Rev D
 20.050.66 - Block H - Plans (CA5) Rev C
 20.050.68 - Block D Rev G
 20.050.69 - Key Building HT F Rev D
 20.050.70 - Key Building HT C Rev D
 20.050.71 - Single garage Rev A
 20.050.72 - Single Plus garage Rev A
 20.050.73 - Twin Garage Rev A
 20.050.75 - Key Building HT F (CA2) Rev C
 20.050.77 - Key Building HT C (CA4) Rev C
 20.050.79 - House Type Key Plan Rev M
 20.050.80 - Street Scenes page 1 Rev H
 20.050.81 - Street Scenes Page 2 Rev H
 20.050.82 - Street Scenes Page 3 Rev H
 20.050.83 - Street Scenes Page 4 Rev H
 20.050.85 - Affordable Housing Plan Rev K
 Design Code - Climping Design Code Rev G
 20.050.86 - Street Scenes Page 5 Rev H
 20.050.87 - Street Scenes Page 6 Rev H
 20.050.88 - Street Scenes Page 7 Rev H
 20.050.89 - Character Areas Plan Rev G
 20.050.90 - Section 106 Open Space Plan - Rev G
 20.050.92 - Parking Plan Spaces for Disabled Persons Rev A
 DD406L01 - Landscape General Arrangement Plan 1/7 Rev H
 DD406L02 - Landscape General Arrangement Plan 2/7 Rev H
 DD406L03 - Landscape General Arrangement Plan 3/7 Rev H
 DD406L04 - Landscape General Arrangement Plan 4/7 Rev H
 DD406L05 - Landscape General Arrangement Plan 5/7 Rev H
 DD406L06 - Landscape General Arrangement Plan 6/7 Rev H
 DD406L07 - Landscape General Arrangement Plan 7/7 Rev H
 DD406L08 - Illustrative Landscape Plan Rev A
 DD406L09 - Local Area of Equipped Play LEAP design Rev A
 DD406L10 - Local Area of Play Strategy Plan Rev D
 DD406L11 - Fitness Trail Rev A
 DD406L12 to 41 - Detailed Planting Plans Sheet 1 to 30 Rev C
 DD406L42 - Central Green Illustrative Landscape Plan
 Play Provision Booklet Rev A

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the nearby Listed Buildings by endeavouring to achieve a development of visual quality in accordance with policy HER DM1 and D DM1 of the Arun Local Plan.

- 3 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.

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

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

- 5 No dwelling shall be occupied until the roads, footways, and parking areas serving it have been constructed, surfaced and drained in accordance with the approved plans and details.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 of the Arun Local Plan.

- 6 No dwelling shall be occupied until the garages and parking areas for that dwelling shown on the approved plans have been provided and constructed for the dwelling to which they relate.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy D DM1 of the Arun Local Plan.

- 7 Prior to occupation of any of the dwellings, details of the proposed electric vehicle charge points to serve the development shall be submitted to the Local Planning Authority for approval and thereafter installed in accordance with the approved details. The charge points shall be retained and maintained in good working condition. Charge points should be Mode 3, 7kw fast chargers as a minimum standard.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, 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 District Council Parking Standards SPD (January 2020) and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to install the wiring in the ground.

- 8 Prior to the commencement of the 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. This shall include details of phasing for the delivery of the fire hydrants. These approvals shall not be unreasonably withheld or delayed.

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.

- 9 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 (as approved under

Condition 8 of this approval) 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.

- 10 A scheme for external lighting shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 11 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

- 12 INFORMATIVE: The applicant is advised that any proposed structures on, under, above or adjacent to any roads, watercourses etc, are required to be subject to the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges. The applicant should contact the WSCC Structures Team to commence this process. The applicant should note that the failure to obtain technical approval may prevent the future adoption of the structure as part of the public highway or otherwise and as a consequence may incur additional works to bring the works up to a suitable standard.

- 13 INFORMATIVE: The applicant is required to enter into a Section 59 Agreement under the 1980 Highways Act to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process. Note this is only required if HGV traffic exceeds 20 movements per working day.

- 14 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works if they affect the existing public highway. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 15 INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant should to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

- 16 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of

skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 17 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

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)

CM/48/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: P/153/21/RES

LOCATION: Land South of Summer Lane
and West of Pagham Road
Pagham

PROPOSAL: Approval of reserved matters (appearance, layout, landscaping and scale) following outline planning Permission P/140/16/OUT for the erection of 350 No. dwellings, together with public open space, play space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Pagham Road. This site may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The description of development was amended during the life of the application with the total number of units being reduced from 375 to 350 dwellings.

SITE AREA Approximately 19.43 hectares.

RESIDENTIAL DEVELOPMENT DENSITY Approximately 18 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT The eastern boundary of the site adjacent to Pagham Road features mature hedgerow and tree planting measuring between 2m and 5m in height. The western, southern and northern boundaries of the site features low planting of between 0.5m and 1.5m in height.

SITE CHARACTERISTICS The existing land use is a greenfield site in agricultural use, adjacent to the built up area boundary of Pagham. The application site is situated to the west of Pagham Road. Further agricultural land is situated to the west of the application site, with the Pagham Harbour situated approximately 614m to the south-west.

Summer Lane is situated to the north of the application site and is identified as a Public Right of Way (PROW). A PROW also crosses the site from east to west which leads towards the Pagham Harbour. Adjoining the western boundary of the application site is Church Barton House which is currently the subject of a reserved matters application (P/139/22/RES) for the erection of up to 65 dwellings under planning reference P/25/17/OUT.

The vast majority of the site is identified by the Environment

Agency as falling within Flood Zone 1. However, an area of the site measuring approximately 0.82 hectares is identified as Flood Zone 3 and an even smaller portion of the site (measuring approximately 0.44hectares) is identified as falling within Flood Zone 2. Various drainage ditches are present which cross the site and run along the boundaries.

A portion of the site measuring approximately 548.1m2 is identified as falling within 500m of the Pagham Harbour SSSI with the remainder of the site falling within the 5km zone from Pagham Harbour. Pagham Harbour is also designated as a Special Protection Area (SPA) and Ramsar Site.

CHARACTER OF LOCALITY

The locality of the site is predominantly rural in character. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and chalet bungalows of various designs and styles which are set back from the highway. Further two storey development is situated to the north of the application site (to the west of Pagham Road).

Bus stops are situated to the east of the site along Pagham Road and the application site will surround Pagham Village Hall which is situated to the west of Pagham Road. White Rocks (21 Pagham Road) which abuts the eastern boundary of the site is a Grade II Listed Building.

RELEVANT SITE HISTORY

P/155/21/RES	Approval of reserved matters (layout, scale, appearance and landscaping) following outline consent P/140/16/OUT for the 'local centre' parcel which comprises of retail, community and commercial uses, 20 No residential apartments and a 70 bed care home.	ApproveConditionally 31-05-22
P/140/16/OUT	Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved.	App Cond with S106 22-11-18

Outline planning permission was granted for the erection of up to 400 dwellings under reference P/140/16/OUT. A subsequent reserved matters relating to the local centre was approved under reference

P/155/21/RES.

REPRESENTATIONS

PAGHAM PARISH COUNCIL - Objection for the following reasons:

- Views of St Thomas A Becket Church and Chichester cathedral are not respected.
- Standard of design of properties were poor - dwellings were boxy and roof heights too high.
- Insufficient character detail and too much red brick.
- No frontages to dwellings.
- Overdevelopment and cramped layout.
- Lack of respect for Village Design Statement.
- Land raising by 1.5m will have further landscape impacts.
- No bungalows in the development.
- Insufficient detail of the allotments.
- Brent Geese mitigation plan unreliable.
- Wider spine road needed due to traffic from school and residents/paring etc.
- Development needs to provide a cycle route.
- Drainage information insufficient.

Further consultation was requested after amended plans, which the PC have added further comments to their objection, in addition to those above:

- Drainage arrangements have not been planned with neighbouring developments.
- Footpath is shown which crosses the SUDS area, which may become submerged at times.
- Footpath is accessed via Summer Lane, which there is no footpath or lighting on this side and is dangerous.
- No connectivity to the POS to be delivered as part of the Summer Fields development.
- Insufficient visitor parking.
- Layout does not accommodate refuse trucks.
- Landscaping could be improved (large amounts of hardstanding).
- Access is shown for the proposed Church Barton development and does not support access for an up to an additional 65 units through the spine road.
- Play equipment lacks imagination. Further detail is required to ensure no areas where anti-social behaviour could be encouraged.

73 letters of objection were received to the application.

Ecology and Biodiversity (Brent Geese)

- Lack of screening within the landscape plans along western boundary, which will affect birds due to disturbance.
- Landscape plans adversely impact bats.
- Concern that dogs can go through dry SUDS features and out onto agricultural fields to disturb Brent Geese habitat.
- Impacting upon natural beauty of area.
- Inadequate parking both within and outside of development.
- The layout does not accommodate any space either side of the public right of way, which is needed as compensation for the loss of countryside.
- Consideration of public right of way walking environment has not occurred.

The following matters have been raised which are not material to the consideration of a reserved matters

application having been considered through the determination of the outline consent where the principle of development was established..

Infrastructure and public services

- Lack of infrastructure, hospitals doctors, dentists, schools, police and services etc.
- Shortage of school spaces in local schools.
- Need the school site and sports pitches within outline to progress at the same pace.

Drainage and Flooding

- The surface water drainage plan is not sustainable.
- No consideration of existing soakaways during building work undertaken. Impacts of land waste on areas within the site altering ability of land to drain.
- Local Road Network unable to cope with current flooding.
- No capacity for foul water.
- The location is at high risk from flooding due to rising sea levels.
- The site has recently been flooded.
- New build development in the area is causing flooding.

Roads and Parking

- Congestion will be exacerbated.
- Concern over road safety with additional traffic.
- Lack of money towards services and infrastructure.
- Increase in housing will damage attractiveness of Pagham to tourists, which help the area financially.
- Delays due to roadworks to facilitate developments.
- Increase in children needing to be taken to schools outside of catchment, increasing vehicular traffic, pollution.
- Construction disruption to residents and road users.
- Current traffic through village is dangerous, and more vehicles will exacerbate this.
- No school nearby which has capacity - children will need to be transported to school.

Economy

- No local jobs for the number of new residents.
- More houses may damage the attractiveness of the area for holiday makers.

Ecology and Biodiversity (Brent Geese)

- Southern Water are unable to handle the increased foul water volume and there is an increased risk of sewerage overflows into Pagham Harbour.
- Dwellings close to Nature Reserve so shouldn't be allowed.
- Loss of agricultural land.
- Need to protect Arun's assets which include Pagham Harbour, SPA etc.
- Loss of biodiversity.
- Loss of habitats for wildlife.
- Nature reserve will be at threat due to increased footfall.
- Increased vehicular levels leading to increased nitrate levels.
- Concern over lack of progress in developing mitigation plans to compensate for loss of Brent Geese foraging habitat.
- Concern that mitigation strategy (monitoring site for Brent Geese for five years) is insufficient.
- This reserved matter is premature in relation to the mitigation that is recommended for the Brent Geese. Brent Geese mitigation surveys show that it is not working.
- Loss of Pagham's semi-rural character as a "quiet village".
- Cycle parking required.

- Electric bike and car charging points needed.
- The site requires active travel and all user paths across the site/ Route needs to be created across summer lane to Honer Farm.
- No local jobs, so resident will have to commute up to the A27, which does not have a foot or cycle path.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

GREENSPACE - Recommend approval of soft landscaping proposals, however LAP, LEAP, ELEAP proposals are inadequate and would object to these.

SOUTHERN WATER - Advice provided. Recommends that no discharge of foul sewerage from the site is discharged to public system until offsite drainage works have been completed to provide sufficient capacity.

NATURAL ENGLAND - Require further information on whether the application provides sufficient certainty that the on-site mitigation measures agreed as part of P/140/16/OUT can be delivered.

ENVIRONMENT AGENCY - No objection, and requested conditions.

WSCC LEAD LOCAL FLOOD AUTHORITY - Original consultation response raise no objection and no comments. A subsequent consultation response was submitted which objected on the basis of insufficient information.

WSCC HIGHWAYS - Initial comments have been addressed. A further consultation response has raised queries in relation to the siting of turning heads, footway provision and merits of traffic calming measures. The consultation identifies that some of the issues are not planning related but would have implications for the potential adoption of the roads in the future.

ENVIRONMENTAL HEALTH - Requested further information on the potential noise impact arising from traffic on Pagham road and Summer Lane. Proposed conditions in relation to contaminated land, lighting, EV, Internal noise levels, CEMP, Occupancy before development completed.

SUSSEX POLICE (Designing out Crime) - General advice provided (sufficient overlooking of POS, security measures etc).

WSCC FIRE AND RESCUE - No objection, provided condition to provide fire hydrants prior to occupation.

NATIONAL HIGHWAYS - No objection as there would be no material affect on the safety, reliability and/or operation of the Strategic Road Network.

DRAINAGE ENGINEERS - Holding Objection due to further information needed.

ECOLOGY - No objection subject to delivery of biodiversity mitigation and enhancement measures secured by conditions on outline consent.

- Satisfied that there is sufficient ecological information available for determination of this application.

AFFORDABLE HOUSING - Objection as whilst the provision of affordable housing is supported, the current distribution of affordable homes is not supported as this would result in large areas of affordable homes.

HISTORIC ENGLAND - No comments to add. Consultation with the Council's specialists should be sought where relevant.

CONSERVATION OFFICER - The development will not impact on the setting of most of the listed buildings with the exception of The Parish Church of St. Thomas a Becket and The Old Cottage. The level of harm identified to the two aforementioned assets can be described as less than substantial harm. The level of harm to these two assets is on the lower end of the scale.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

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
ENVDM2	ENV DM2 Pagham Harbour
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
HERSP1	HER SP1 The Historic Environment
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD11	Arun Parking Standards 2020
SPD8	Areas of Special Character

POLICY COMMENTARY

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it results in a development of an appropriate scale, layout and appearance which is not harmful to the character and appearance of the area, the amenities of existing residents or the existing road and public footpath network.

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 affects the setting of nearby Grade II Listed Buildings and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with section 66 (1) and this has been considered in further detail in the conclusion below.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The application seeks to secure reserved matters approval for appearance, landscaping, layout and scale. These are the only matters for consideration through the determination of this application. All other matters were considered through the granting of permission P/140/16/OUT with conditions included in relation to the following matters which will require discharge prior to the commencement of development:

- Materials and Finishes (Condition 5);
- Arboricultural Method Statement and Tree Protection Plan (Condition 9);
- Surface Water Drainage (Condition 10, 11 and 12);
- Foul Drainage (Condition 13);
- Ecology (Condition 15);
- Construction Management Plan (Condition 17);
- Employment and Skills Plan (Condition 20);
- Climate Change and Renewable Energy (Condition 24);
- Travel Plan (Condition 26);
- Archaeology (Condition 27);
- Electric Vehicle Charging (Condition 29); and
- Pagham Harbour SPA (Condition 30).

PRINCIPLE

The principle of the proposed development has been established by outline permission P/140/16/OUT which granted planning permission for up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace with two points of access from Pagham Road. The outline planning permission established the principle of development and considered matters of flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage, flood risk and the provision of affordable housing, public open space, children's play and other related infrastructure.

This outline approval relates to the Pagham South Strategic Allocation with this application relating to the remainder of the allocation following approval of P/155/21/RES in relation to the local centre.

COMPLIANCE OF THE PROPOSAL WITH OUTLINE CONDITIONS

Condition (3) states that development shall be carried out in accordance with approved plans which consist of;

Location Plan - dwg no. DLA.1731.L003.03;
Red Line Boundary - DLA.1731.L003.01;
Proposed Northern Site Access - 1616/01 Rev L; and
Proposed Southern Site Access - 1616/02 Rev K.

In this case the development accords with the plans approved under reference P/140/16/OUT in so far as it relates to the proposals.

Condition (6) required that a Design Code Masterplan be approved prior to the submission of the Reserved Matters application and that the development then be prepared and carried out in accordance with the approved details. The Design Code in relation to the site was approved under reference P/83/21/DOC. The proposed development in this case accords with the Design Code.

Condition (7) required any Reserved Matters application to be accompanied by details concerning landscaping and layout particulars in relation to trees. The proposed application accords with the requirements with Condition (7) and this will be considered in more detail later in the report.

LAYOUT, APPEARANCE AND SCALE

Arun Local Plan policies D DM1, D SP1 and LAN DM1 are relevant in respect of design and character. In addition Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters of affordable dwellings.

The National Design Guide (NDG) is a material consideration in the determination of this application as well as the Arun Design Guide. The application has been prepared in accordance with the Design Code, approved through the discharge of Condition 6, which was itself prepared and assessed against the requirements of the Pagham Village Design Statement, NDG and Arun Design Guide as well as the parameter plans approved through P/140/16/OUT.

The design code in respect of the residential development identifies 4 character areas with variation between two of the character areas between the northern and southern parcels of the site. Each character area has defining principles and in this case the proposed development is deemed to be in accordance with these details. The character areas and defining principles are as follows:

Park View (CA 1)

- Grand homes with verdant landscaping.
- Built form faces the village green or avenue.
- Georgian inspired architecture.
- Prominent key buildings.
- Green link through site.

Rural Edge North (CA 2a)

- Traditional farmyard workers terraced cottages.
- Built form faces outwards to surrounding countryside.
- Rural vernacular.
- Landscaped parking to hide cars.

Rural Edge South (CA 2b)

- Tile hung housing.
- Built form faces outwards to surrounding countryside.
- Rural vernacular.

Community Streets (CA 3)

- Simple architecture.
- Inward looking perimeter blocks.
- Occasional views to wider realm.
- Vistas and key building create passive way-finding.

Transitional Perimeter South (CA 4a)

- Architecture to match immediate context.
- Build form faces outwards.
- Adjacent to enhanced natural buffer along Pagham Road.

Transitional Perimeter North (CA 4b)

- Architecture to match immediate context.
- Build form faces outwards.
- Adjacent to enhanced natural buffer along Pagham Road.

Following the initial submission of the application in November 2021 the proposals were presented to the Aldwick and Pagham Advisory Group on 9 December 2021. Comments were made by the Advisory Group in relation to the scale of development; the uniform height and repetitive nature of the street

scenes; and that materials proposed were too urban (specifically the use of red brick).

In early 2022 feedback was also provided by the Local Planning Authority (LPA) on the proposals with concerns being raised with the development being car dominated; that house types were repeated and often clustered together with little to no variation; a lack of green infrastructure or planting; and the proposed increase in site levels of 1.5m on a significant proportion of the site. The developer was then provided with an opportunity to amend the proposals in order to overcome these issues.

The revised proposals (following meetings between the Planning Officer and developer) were presented to the Aldwick and Pagham Advisory Group on 28 June 2022. In response to this the Advisory Group stated that they were grateful that the developers had listened to the concerns of residents to create a more village feel with the Advisory Group concluding that the revised proposals drastically improved the aesthetics of the development adjacent to Pagham Road.

Further amendments were then made by the developer to address the final outstanding issues with the revised proposal and ensure that all comments from the advisory group had been fully addressed in the revised submission. The revised proposals were then submitted to the LPA in September 2022 for re-consultation and determination.

The revised proposals addressed the initial concerns with the layout insofar as they related to the design of dwellings and parking arrangements with the amendments addressing the dominance of cars. Where parking had a presence within the street scene planting has been incorporated to break this up and soften its presence. In addition, to this some buildings have been re-orientated to provide screening and further mitigate the dominance of car parking in views within the site.

The house types have also been reviewed with a minimisation of the same building type appearing next to each other and varied roof heights and designs in order to provide greater variation to the street scenes. In order to address comments from the Advisory Group more bungalows have been included and materials have been amended to exclude those identified as insensitive to Pagham (specifically black weatherboarding and red brick).

The proposed house types are an appropriate response to the local context and development adjacent to Pagham Road which reflects the established character of the locality whilst providing an appropriate transition between existing built form and the wider application site. The parking layout has also been amended to address the dominance of car parking within the street scene and this in conjunction with street planting results in a development which is not dominated by cars.

However, despite these positive amendments concerns remained in relation to the provision of open space within the site. This matter carries significant weight given that the open space provision on site was one of the measures considered as necessary to mitigate the impact of the development upon the Pagham Harbour SPA/Ramsar site through the Appropriate Assessment (AA) undertaken as part of the outline application (P/140/16/OUT).

The proposals as submitted in September 2022 secured a total on-site provision of open space of just 2.589ha and this included a significant amount of incidental spaces and narrow spaces which would not be viewed as usable by the LPA. Excluding these small, narrow open spaces the total provision was approximately 1.8ha. This fell significantly below the open space provision of 5.36ha identified through the outline planning permission and considered through the AA.

It was also concerning for the LPA that the open spaces lacked any significant interconnectivity and did not provide adequate or appropriate opportunities for on-site recreation in order to adequately mitigate the impact of the development upon Pagham Harbour SPA/Ramsar Site. This resulted in a development

which was also in conflict with the conclusions of the AA.

Following these concerns being highlighted by the LPA and further discussions between the parties, the developer requested additional time to review and revise the proposals in order to overcome these concerns. The fully revised proposals were submitted to the Council on 1 August 2023.

Following further revision the proposals now provide a total on-site provision of 5.37ha of public open space with 3.29ha to be provided as usable semi-natural green space. In addition to this the development provides 0.21ha of equipped play areas resulting in a total on-site provision of 5.58ha. The applicant has identified a total provision of 0.47ha of incidental open space consisting of verges and other incidental non-recreational spaces.

However, as identified above it is necessary for the open space provision to provide adequate opportunities for on-site recreation. As proposed the open space provision would consist of a larger central space which extends from the northern parcel through to the southern parcel measuring a combined area of 2.29ha. An area of open space measuring 1.39ha is shown to the south of the site alongside allotment provision. An area of open space measuring 0.96ha is provided along the eastern boundary of the site adjacent to the southern parcel. A central open space measuring 0.15ha is featured centrally within the northern parcel with the remaining open spaces around the periphery of the site consisting primarily of narrower areas which contain drainage features.

Some of the open spaces feature footways running through them but along the eastern boundary of the southern parcel and the western boundary of the northern parcel pedestrian routes run adjacent to the internal roads.

The application also provides allotment provision measuring 0.2ha which is a significant reduction from the 1.629ha area originally identified through the outline approval. The amended application proposes that 1.429ha of the previous allotment land is instead utilised as open space provision. However, through the outline approval this area of the site was shown as either being for allotment or provision of the new scout hut. With the replacement scout hut being provided at the Seftor Road site there is no requirement for the scout hut to be delivered on this site.

On-site allotment provision was not requested at outline stage by Greenspace, with the site falling below the threshold for on-site provision, but it was included within the description of development. Based upon the scale of development proposed by this proposal and taking into account the Local Centre (20 dwellings) which were previously approved under P/155/21/RES the allotment provision meets the requirements established through the Open Space and Recreation SPD. The proposed allotment provision is deemed to be acceptable and would not conflict with the outline approval under P/140/16/OUT.

Following the amendments the layout, appearance and scale of the proposed development is considered appropriate with the development responding positively to the established character of the locality whilst reflecting the key principles established through the Design Code. Therefore, the proposals are in accordance with policies D DM1, D SP1 and LAN DM1 of the Arun Local Plan as well as the Pagham Village Design Statement.

PUBLIC OPEN SPACE AND PLAY

ALP policy OSR DM1 and HWB SP1 are relevant. The Council's supplementary planning document (SPD) 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

As identified above the indicative masterplan which accompanied the planning application identified a

total open space provision on site of 5.36ha which exceeds the requirements for a development of this size as set out within the Council's Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD, Jan 2020 by approximately 2.15ha. This open space provision was deemed acceptable and would ensure that sufficient open space was provided on site to encourage future residents to walk/exercise within the development rather than accessing the neighbouring Pagham Harbour Special Protection Area (SPA).

The public open space (POS) provided, following amended of the proposals, aligns with the requirements of the outline planning approval and accords with the numerical requirements tested through the Appropriate Assessment (AA). A detailed assessment of the layout of the open space provision has been undertaken as part of the layout section above.

The outline approval (under reference P/140/16/OUT) secured the provision of 8 Local Areas of Play (LAP), 1 Local Equipped Area of Play (LEAP) and 1 enhanced Local Equipped Area of Play (ELEAP). Whilst details of play provision are to be secured through the S106 agreement details have been provided as part of this application.

The play provision has been the subject of consideration by the Council's Greenspace Officer who has raised an objection on the basis that the information provided for the LAP Play Trail contained insufficient detail and specification; similarly with the northern LEAP it has been advised that the equipment appears limited in terms of experiences offered; and in relation to the ELEAP it has been advised that the design appears inadequate in terms of accessible play provision as required by the Arun Design Guide. Equipment between the LEAP and ELEAP is repetitive and fails to deliver an exciting and challenging play offer. It has also been identified that across all play areas the indicated grass play mounds have no contour or height detail or detail of how these would interface with the adjacent fencing. There is also a lack of detail to demonstrate what is proposed in terms of pathway connection and surfacing to public open space (POS) areas, the application shows self-binding gravel which would potentially result in maintenance issues in high traffic areas especially when seeking all-weather accessibility and to meet the needs of wheeled users.

Given the issues with the proposed play provision and that these details were originally intended to be secured through the S106 Agreement it has been recommended by the LPA that the play provision is removed from the submission with the details to be submitted in line with the S106 requirements for approval by the Local Planning Authority (LPA) in consultation with the Greenspace Officer.

On this basis the proposals are acceptable and would accord with the requirements of policies OSR DM1 and HWB SP1 of the Arun Local Plan as well as the requirements of the 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) SPD.

LANDSCAPING AND TREES

ALP policies D DM1, LAN DM1 and D SP1 are relevant to the consideration of landscaping and trees. A Tree Preservation Order (TPO) is present on the site under reference TPO/P/3/19 and relates to trees which are located adjacent to Pagham Road (G2) as well as a Pedunculate Oak (T1) sited in the south-western corner of the southern parcel.

A drainage feature is shown in close proximity to G2 and it is unclear from the detail provided in support of the application if this is a new or existing feature, but it appears to fall within the root protection areas (RPA) for the trees which form G2 under tree preservation order TPO/P/3/19. Any new feature in this location would not be supported by the Planning Authority who would expect to see a 3m buffer between any tree and any new drainage feature. However, this will be considered in more detail through the discharge of the drainage conditions.

In relation to T1 a footpath is shown on the revised layout which appears to run in close proximity to the TPO tree and may intersect with the RPA of the protected tree. However, Condition 9 imposed on P/140/16/OUT requires the submission of an Arboricultural Method Statement and Tree Protection Plan and it is anticipated that this submission will need to consider this matter with a no dig solution implemented as required to minimise any disturbance within the RPA.

Whilst no formal comments have been submitted the above assessment has been discussed with the Council's Tree Officer who has confirmed their support of officer's conclusions on these matters and as such the impact of the proposals upon trees are considered acceptable.

Revised landscaping details have been provided in support of the planning application. The Appropriate Assessment (AA) undertaken at outline stage identified that dense tree planting should be present along the western boundary of the site in order to mitigate disturbance from the development upon Brent Geese foraging on fields neighbouring the development. The landscaping details submitted in support of the application show that hedgerow planting will be present adjacent to the eastern boundary of the site and this is identified as consisting of a mix of native species such as field maple, dogwood, hazel, hawthorn, blackthorn and dog rose which is an appropriate mix. This is considered an appropriate mix of species but it is identified that this will consist of whips measuring between 60-80cm in height. However, some of the areas of the hedgerow planting proposed are identified as featuring additional tree planting of heavy and extra heavy standard to ensure adequate screening.

Landscaping adjacent to the western boundary of the southernmost open space is identified as providing 'Native Woodland Planting'. Given this is one of the largest open spaces on site as well as accommodating the allotments it is considered essential that adequate planting is provided to avoid disturbance associated with use of this land for recreational purposes. The woodland mix is considered to be appropriate as proposed but again this is identified as consisting of whips measuring between 60-80cm. Given the species mix it is likely that this will take between 4 and 5 years for the tree planting to reach a height of approx. 2 metres.

In order to address this issue it has been identified by officer's that the planting on the western boundary of the site should be provided at the earliest opportunity during development to provide an opportunity for this planting to mature and provide adequate screening of the development prior to occupation. In addition to this fencing is to be provided along the western boundary and this would consist of a 1.1m high post and rail fence which would feature dog proof mesh. This is considered an appropriate feature given the edge of settlement location of the site whilst restricting access to the functionally linked habitat to the west by dogs being exercised off lead.

The only other outstanding matter in relation to the developments impact upon the Pagham Harbour SPA/Ramsar Site is the requirement to provide signage to inform and discourage access to the protected site by future residents. The plans submitted in support of the application do not provide any locations or details of signage, however it is appropriate for this detail to be secured via a suitably worded planning condition. The condition would require input from the Strategic Access Management and Monitoring (SAMM) plan to ensure consistent messaging.

The above conclusions on these matters are reflected in the Appropriate Assessment (AA) which is currently the subject of consultation with Natural England. Once comments have been received from Natural England on the AA these will be reported to Members as a written update prior to the Planning Committee meeting.

However, subject to no objection being raised by Natural England to the conclusions of the AA the proposed development would accord with policies D DM1, LAN DM1 and D SP1 of the Arun Local Plan.

HERITAGE

ALP policies HER SP1, HER DM1 and HER DM4 are relevant to the consideration of impacts of the development upon heritage. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to the consideration of the proposals.

The heritage impacts of the development were considered at outline stage where it was concluded that the development of the site would preserve the setting of nearby listed buildings. It was also identified by the Council's Conservation Officer that given the limited inter-visibility between the application site and the Barton Close Area of Special Character (ASC) that the proposed development would have little impact upon its locally distinctive qualities.

However, given that detailed design has now been provided for the development it is necessary to undertake a further assessment of the impact of the development upon nearby heritage assets. The application is accompanied by a Heritage Statement (January 2022) which concludes that the proposed development would preserve the significance of the listed buildings. This conclusion is consistent with the conclusions on the outline consent under reference P/140/16/OUT.

A consultation response from the Council's Conservation Officer has confirmed that the proposals would not give rise to any harm to any of the nearby listed buildings with the exception of St Thomas a Becket and The Old Cottage. It is then identified that the proposal would result in less than substantial harm on the lower end of the scale. Therefore, in accordance with paragraph 202 of the NPPF this harm must be balanced against the benefits of the development.

In this case the benefits of the development would consist of;

- Provision of 350 homes which contribute towards the Council's current housing land supply shortfall;
- Provision of new affordable housing;
- Provision of contributions and other infrastructure improvements as set out in the S106 Agreement for application P/140/16/OUT;
- Either create new construction jobs or help to maintain existing ones during development; and
- Result in additional spending by new residents on goods and services including within the local area.

The public benefits are of a level that the identified 'less than substantial harm' to The Parish Church of St. Thomas a Becket and The Old Cottage can be outweighed and as such the proposals are in accordance with the NPPF guidance and compliant with the relevant development plan policies insofar as the impact on Listed Buildings is concerned.

The Barton Close Area of Character (AOC) is located to the north-east of the application site. It is identified that upon entering Barton Close, a single track is bordered by grass verges, with a semirural enclave created. Established hedges, cleft oak fencing and the grass verges are distinguishing features of the rural character, with the pond in the grounds of Barton Granary being an attractive focal point.

The impact of development upon the AOC was considered through the determination of P/140/16/OUT where it was identified that there would be little intervisibility between the site and the AOC. Policy HER DM4 relates to development within the AOC and as such is not applicable to the determination of this application. However, the impact of the development upon the AOC has been reviewed and there will be no harm to the setting or significance of this non-designated heritage asset.

In respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of the Parish Church of St. Thomas a Becket will be subject to less than substantial harm, this harm can be outweighed by the strength of the public benefits. Furthermore, no harm has been identified to any non-designated heritage assets. Therefore, the proposed development will accord

with policies HER SP1 and HER DM1 of the Arun Local Plan.

HOUSING MIX AND AFFORDABLE HOUSING

ALP policy H DM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). The SHMA seeks to achieve the following market dwelling distribution:

- 1 bed dwelling - 5-10%
- 2 bed dwelling - 40-45%
- 3 bed dwelling - 25-40%
- 4 bed dwelling - 10-15%

The application following amendment proposes a total of 350 dwellings (a reduction of 25 dwellings), this reduction in the number of dwellings was to meet the open space requirements identified through the outline approval. The application as amended proposes the following dwelling mix for market housing:

- 1 bed dwelling - 0 (0%)
- 2 bed dwelling - 69 (28.2%)
- 3 bed dwelling - 137 (55.9%)
- 4 bed dwelling - 39 (15.9%)

The proposed mix deviates from what would be a SHMA compliant mix result in an under-provision of between 5-10% for 1 bed dwellings and 11.8-16.8% 2 bed dwellings with an overprovision of between 30.9-15.9% for 3 bed dwellings and 5.9-0.9% for 4 bed dwellings.

This deviation is largely as a direct response to the developments location on the edge of settlement with the layout of the proposals seeking to provide a transition between the existing edge of Pagham and the rural countryside further to the west. Therefore, larger dwellings by their nature allow for a looser grain of development which can enhance the transition and soften the settlement edge.

The applicant in their covering letter in support of the amended proposals has identified that they (Pagham Homes) have entered into a contract with Vivid (the housing association) for 114 of the market units to be delivered as affordable tenures resulting in an overall affordable housing provision of 62.6%, an additional 32.6% beyond that secured through the S106. This results in a total market provision of 37.4%. However, these homes are not 'affordable dwellings' secured in perpetuity for the purposes of policy consideration as they are to be sold on the open market and would not be defined as affordable dwellings for the purposes of the S106 agreement signed under reference P/140/16/OUT.

It should also be noted that this application alongside the previous approval under reference P/155/21/RES for the local centre make up the full allocation. The previous approval for the local centre (P/155/21/RES) delivered 2 x 1 bed units and 18 x 2 bed units. Taking these dwelling into account brings the 4 bed provision in line with the SHMA requirements, and increases 2 bed provision to 32.8% whilst reducing 3 bed dwellings to 51.69% of the overall mix. Whilst, this still remains contrary to the identified SHMA mix the mix as proposed is an appropriate response to the character of the site and its edge of settlement location adjacent to the countryside.

As identified above the housing mix will be identified on a site by site basis and in this case the proposed mix leans slightly towards three and four bed dwellings which is deemed acceptable. This mix will ensure that lower density development is present along the south-western boundaries of the site with the open countryside. Therefore, the proposed housing mix is deemed to be acceptable and ensure the provision

of housing which will meet local needs whilst respecting the setting of the site in accordance with policy H DM1 of the Arun Local Plan.

In terms of affordable housing the following mix is proposed:

	Affordable Rent (AR)	Intermediate (I)
1 bed dwellings -	31 (36.9%)	2 (9.5%)
2 bed dwellings -	36 (42.9%)	11 (52.4%)
3 bed dwellings -	13 (15.5%)	7 (33.3%)
4 bed dwellings -	4 (4.8%)	1 (4.8%)

The majority of the affordable housing provision accords with the SHMA with some minor under provision of less than 0.5% for 4 bed (AR) and 1 bed (I). There is also a minor overprovision of 2.9% for 2 bed (AR) and 3.3% for 3 bed (I). Therefore, the mix as proposed is deemed to be acceptable and would substantially accord with the SHMA and would be in accordance with policy AH SP2 of the Arun Local Plan.

AH SP2 also identifies that affordable housing should be visually indistinguishable from market housing and large clusters of single tenure dwellings should be avoided. The affordable units in terms of their design are deemed acceptable whilst the distribution throughout the site is appropriate and avoids large clusters of affordable units.

Therefore, the layout and design of the affordable units is acceptable in accordance with policy AH SP2 of the Arun Local Plan.

RESIDENTIAL AMENITY

ALP policies D DM1 and QE SP1 are relevant. The Council's Design Guide sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

A review of the amended layout has revealed the following examples where the separation distances are insufficient:

- Plots 5-7 (12m back to side);
- Plots 89/90/91 - 87 (11.5-13m back to side);
- Plots 209-210 (11.5m back to side);
- Plots 306/307/308-309 (11.5-12.5m back to side); and
- Plots 334/335/333-336 (11.5-13m back to side).

A review of the proposed gardens has revealed a number of examples where the minimum 10.5m garden depth has not been achieved. However, in the majority of cases this is only marginally short and the 21m back to back separation distances have been achieved meaning that the residential amenity of future occupiers are not adversely impacted upon. However, three examples have been found where the garden depth is more than 1m below the 10.5m minimum which is considered an unacceptable shortfall.

Plot 279 - 9.4m average (max 10.5m)

Plot 163 - 9.2m average (min 8.6m - max 10m)

Plot 191 - 9.5m average (min 8.9 - max 9.75m)

The above issues were raised with the agent who has amended the layout to address these conflicts which ensures that the proposals accord with the Council's Design Guide criteria. Following these amendments the proposed garden depths are acceptable as are the separation distances which ensures that the proposed development does not give rise to any unacceptably adverse impacts to amenity for future or nearby occupiers of the site.

The Council's Environmental Health Officer in their consultation response identified that no information had been provided assessing the potential noise impacts arising from traffic on Pagham Road and Summer Lane. Whilst it was recommended that a report addressing these impacts was provided it was noted that Summer Lane is a residential cul-de-sac subject to a 30mph speed limit, Pagham Road is similarly subject to a 30mph restriction and features residential development along the eastern side of the road. The introduction of residential dwellings set back from the highway with mature planting screening the development is not unusual and is unlikely to result in any unacceptably adverse harm to residential amenity which could not be adequately managed through standard mitigation measures. Therefore, in this case a suitably worded condition to secure confirmation of the acoustic impacts of the road on future occupiers has been incorporated and this approach has been verbally agreed as appropriate with the Environmental Health Team.

Therefore, the proposal is in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

PARKING, ROADS AND PUBLIC FOOTPATHS

Arun Local Plan policies T DM1 and T SP1 are relevant although they carry reduced weight due to the adoption of the Arun Parking Standards SPD. Following the amendments to the layout of the development an additional consultation response has been received from WSCC requesting further information in relation to the siting of turning heads, footway provision and merits of traffic calming measures. The consultation from WSCC identifies that some of the issues identified in their response are not planning issues but would rather have implications for any potential adoption of the roads in the future.

The issues raised by WSCC have been passed through to the applicant who intends to provide updated plans in response to these issues. Therefore, once these amendments have been received they will be presented to Members as part of a report update.

Details of access to the site were approved by the outline planning permission and as such are not the subject of further consideration as part of this reserved matters submission. Therefore, in terms of highway safety the proposal are in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

The application proposed a total parking provision of 826 parking spaces (70 of which are visitor bays) this exceeds the requirements of the Arun Parking SPD which identifies a total requirement of 813 spaces. Therefore, the level of parking proposed is acceptable and would not result in overspill car parking within the development or the surrounding roads. Details of secure cycle parking provision for dwellings which do not benefit from a garage will be secured through an appropriately worded condition.

The submission is silent on the provision of disabled car parking spaces. The Arun Parking SPD identifies that proposals should accord with Manual for Streets which requires 5% of all parking spaces to be designed to meet these requirements. Further details have been requested from the applicant in relation to this element of the proposals and will be reported to Members of the Planning Committee as a report update once confirmation on this matter is received.

Road widths are in accordance with the principles of road hierarchy established through the Design Code which are as follows;

Primary Roads and Streets - 5.5m-7.3m wide with footways present.

Secondary Streets - 5m - 6.1m wide with at least one footway.

Tertiary Streets - Shared surface streets measuring 4.1m - 6m.

Quaternary Streets - 3.7m - 4.8m wide.

The proposal incorporates adequate recreational routes throughout the site and will not adversely impact upon pedestrians or cyclists. Given that the site layout respects and enhances existing public rights of way and provides new foot and cycle paths as part of the development the proposals are deemed to accord with Policy T DM1 as well as the Parking Standards SPD.

SURFACE WATER DRAINAGE

A holding objection has been raised by the Council's Drainage Engineers and an objection has also been raised by the Lead Local Flood Authority. However, Conditions 10, 11 and 12 imposed on the outline planning permission (P/140/16/OUT) relate to surface water drainage and require details to be submitted for approval prior to the commencement of development. Therefore, as drainage was considered at outline stage and these pre-commencement conditions were imposed there is no requirement to approve drainage details alongside this reserved matters submission.

Should it not be possible for the drainage scheme to be accommodated alongside the proposed layout then the applicant will not be able to implement the proposed layout. On this basis, this reserved matters application can be determined without the full support of Drainage Engineers and as such it is not necessary to demonstrate compliance with policy W DM3 at this time.

BIODIVERSITY AND ECOLOGY

The application was accompanied by an 'Ecological Survey Summary Report 2021' and has been the subject of consultation with the Council's Ecologist who has advised that there is sufficient ecological information available for the determination of this application. It was identified at the time of the original review by the Council's Ecologist that details of Biodiversity Net Gain (BNG) had not been provided.

However, BNG details were subsequently provided which demonstrated that the development would achieve in excess of 10% to each of the metrics which would accord with policy ENV DM5 of the Arun Local Plan which requires that development achieve a net gain in biodiversity. A number of conditions were imposed on the outline approval which pertained to ecological matters and these will need to be discharged prior to the commencement of development and would be subject to further scrutiny and assessment post determination of this reserved matters submission.

As identified earlier in the report it was necessary to undertake an Appropriate Assessment (AA) for this application. However, the measures which are for consideration as part of this application relate to the provision of open space (for recreational purposes) and boundary screening in order to minimise disturbance of Brent geese foraging on functionally linked habitat to the west of the application site. More specific mitigation measures relevant to Brent geese will be considered through the determination of Condition 30 which pertains to land outside of the application site.

Therefore, the proposals as submitted are acceptable and would accord with policy ENV DM5 of the Arun Local Plan.

SUMMARY

The applicant has made a number of amendments to the application in order to overcome the concerns raised by the LPA and statutory consultees. Following amendment the proposals are now in accordance with the Arun Design Guide as well as the site specific Design Code as well as relevant development plan policies. As such, it is recommended that the application is approved subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Plans will be provided as part of the report update.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies ... (e.g. ... pick from C SP1, D DM1, QE SP1, T SP1 but can include others)

- 2 Condition to secure footpaths and access to Church Barton
- 3 Prior to occupation of any dwelling hereby permitted, details of the cycle storage and bin storage shall be submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the bin storage and cycle storage have been provided in accordance with the approved detail for that respective dwelling. The spaces provided shall be retained in perpetuity.

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

- 4 Prior to occupation of any dwelling hereby permitted, details of the cycle storage and bin storage shall be submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the bin storage and cycle storage have been provided in accordance with the approved detail for that respective dwelling. The spaces provided shall be retained in perpetuity.

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

- 5 Prior to the occupation of any dwelling, a Landscape Ecological Management Plan (LEMP) shall be submitted and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the measures outlined within the LEMP.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policies ENV SP1 & ENV DM1 of the Arun Local Plan.

- 6 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 policies ECC SP1 and W DM1 of the Arun Local Plan.

- 7 Prior to the commencement of the development, a Mitigation Landscape Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable of when planting and fencing within 20m of the western boundary are to be implemented in relation to commencement of development and pre-construction activities and details showing the measures to protect and maintain the works during the construction phase. The approved detail will be implemented in full.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policy ENV DM2 of the Arun Local Plan.

- 8 Prior to the occupation of any dwelling, details of all signage and Homeowner Information Packs pertaining to the education of the Pagham Harbour site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the locations, appearance and contents of the signage and Information Packs, and shall also be in line with the messaging guidelines of the Pagham Harbour Strategic Access Management and Monitoring Plan. The approved details shall be implemented in full prior to the occupation of any dwelling and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate mitigation planting in order to comply with the approved Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) in accordance with Policy ENV DM1 and ENV DM2 of the Arun Local Plan.

- 9 Prior to the commencement of the development, a noise assessment, alongside a noise mitigation scheme for protecting the proposed dwellings from noise generated by Pagham Road, shall be submitted to and approved in writing by the local planning authority. The proposed scheme shall achieve the following noise levels, based on Table 4 of BS 8233:2014:

a) internal day time (07.00 hours to 23.00 hours) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open).

b) internal night-time (23.00 hours to 07.00 hours) noise levels shall not exceed 30dB LAeq, with individual noise events not exceeding 45dB L_{Amax} no more than 12 times per night (bedrooms windows open).

c) garden/external amenity spaces should not exceed 50 dB LAeq, 16hr.

If it is predicted that the internal noise levels specified above will not be met with windows open, the proposed mitigation scheme shall assume windows would be kept closed and will specify an alternative ventilation system, to reduce the need for windows to be opened. As a minimum, this should usually consist of a mechanical heat recovery ventilation system with cool air by-pass or equivalent.

The agreed noise mitigation measures shall be fully installed/implemented prior to occupation of any of the affected dwellings and then permanently retained in good working order thereafter.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM1. This must be a pre-commencement condition because it is necessary to have such mitigation measures in place before the buildings are occupied.

10 If residential properties are to be completed and occupied prior to the whole of the development being finished, a scheme to protect those early occupants from noise and vibration should be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupiers in accordance with Policy QE DM1 of the Arun Local Plan.

11 INFORMATIVE: The following link provides information/guidance for the noise assessment and mitigation scheme: Planning Noise Advice Document - Sussex, September 2021 <https://www.arun.gov.uk/download>.

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)

PLANNING APPLICATION REPORT

REF NO: P/139/22/RES

LOCATION: Church Barton House
Horns Lane
Pagham
PO21 4NZ

PROPOSAL: Approval of reserved matters following P/25/17/OUT for the provision of 65 dwellings, access roads, landscaping, open space and associated works. This application affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for reserved matters relating to (a) Access; (b) Layout; (c) Scale; (d) Appearance; and (e) Landscaping, for 65 dwellings.
	The outline permission (reference P/25/17/OUT) established the principle of residential development, and the construction of up to 65 No. dwellings.
SITE AREA	Approximately 4.15 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 15.66 dwellings per hectare (dph) taking the entire site. However, using just the developable area (2.8 hectares) the density would be 23.25dph.
TOPOGRAPHY	The site is predominantly flat.
TREES	There are a number of trees on the site and immediately surrounding the site. A large shelterbelt of trees are present to the north-western corner of the site, and a linear group sit within the northern part of the site. There are individual trees scattered around the existing drainage ditch.
BOUNDARY TREATMENT	Parts of the northern, western and eastern boundaries of the site feature mature shelterbelt tree lines of poplars. Wooden electricity pylons run alongside the southern boundary and one crosses the application site north to south.
	The site has a number of prominent tall trees which are visible in long distance views, and several groups of tall trees which are located outside of the application boundary.
SITE CHARACTERISTICS	The application site measures approximately 4.15 hectares and is currently used as an outlying paddock associated with Church Barton House. The site is bounded to the west and south by Horns Lane with Summer Lane situated to the north.
CHARACTER OF LOCALITY	The character of the locality is predominantly semi-rural, with open countryside to the west of the site. Existing residential development is present along Pagham Road to the east. To

the northeast there is relatively newly constructed residential development (under P/58/15/OUT) which is somewhat visible from the site. To the south there is existing built development, which is separated by fields from the site and appreciable in views from the site.

Development around the site consists primarily of sporadic farm buildings which are accessed by tracks, and public footpaths which connects the rural landscape to the edge of the built-up settlement of Pagham.

Pagham Rife is located to the west of the application site and connects to the Pagham Harbour to the south.

There are a number of listed buildings in the wider locality. The closest, 600m to the south of the application site are The Parish Church of St Thomas a Becket, Millstone Cottage and The Old Cottage. The tower of The Parish Church of St Thomas a Becket is visible from within the application site.

RELEVANT SITE HISTORY

P/25/17/OUT	Outline application with all matters reserved - Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works.	App Cond with S106 05-09-19
P/81/22/DOC	Approval of details reserved by condition imposed under ref P/25/17/OUT relating to Condition No 6 - Design Code Masterplan.	DOC Approved 04-08-22

Noted.

REPRESENTATIONS

Pagham Parish Council - Objection on the following grounds

- Lack of access.
- Concerns around drainage.
- Master planning in relation to infrastructure with adjacent sites.
- Lack of clarity and consultation with Pagham and Aldwick Advisory Group.

A total of 35 public objections were received. Material considerations are summarised as follows:

- No access plans included within application.
- Access through Horns Lane, and then Summer Lane are unsuitable.
- PROW would be compromised.
- Propose provision for safe pedestrian and cycling travel.
- Design of dwellings lack rural aesthetic.

- Density is too high and is considered over development.
- Light, noise and vehicle pollution.
- No emergency vehicular access between the two proposed development parcels.
- Insufficient parking and no provision for larger vehicles.
- Increased footfall/dogs will be cause problems to the Pagham Harbour.
- Design of properties lack rural aesthetic.
- Density is too high.

Many objections raised points which are not a material to this planning decision, as either they are not material reasons or they were considered as part of the outline permission and do not form part of the Reserved Matters remit and scope. The points raised were as follows:

- Concern that the sewerage plans are not credible (potential for sewerage tankering until infrastructure is upgraded).
- Highways cannot cope with the additional vehicles.
- Congestion from additional vehicles.
- Insufficient supporting infrastructure.
- Over development.
- No surface water drainage.
- Insufficient services such as GP surgeries, dentists.
- Lack of capacity within the schools (infant, primary and secondary).
- Loss of habitats and impacts to wildlife.
- Mitigation fields for Brent Geese needed.
- Access has not been agreed by adjacent developer to allow access through Summer Lane.
- Propose provision for safe pedestrian and cycling travel.
- Results in additional flooding.
- Flood Risk Assessment is inadequate.
- Land is not suitable for housing or any drainage due to London clay cap.
- Loss of land for Pagham Ponies.
- Pagham unable to absorb further housing.
- Outside Built Up Area Boundary.
- Loss of agricultural land - proper assessment of the loss and impact is needed.
- The site is too close to the Nature Reserve.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are noted in full and are considered within the report where relevant.

It is noted that the Parish do not feel that there has been any consultation. However, the Council did not receive any prior engagement or pre-application to provide information on prior to the submission. As a result, the Parish were consulted on the planning application, and it the applicants presented their scheme to members of the Pagham and Aldwick Advisory Group on 13 December 2022. A further Advisory Group on 19 September 2023 was held and a further update was provided on the applications status.

Highways impacts, foul water, surface water, flooding, loss of agricultural land have all been addressed as part of the outline permission, and conditions have been imposed where relevant.

Additionally, financial contributions have already been secured via Section 106 agreement which include Education, Healthcare, Highways, Footpath, Fire and Rescue, Library, Sustainable Transport, Sports pitches, Swimming Pool and more. Therefore, comments in relation to infrastructure have been addressed within the outline application.

With reference to emergency access, no comments have been raised in relation to safety of the internal roads.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Sussex Police - No objection, advice received.

National Highways - No objection - satisfied that the proposals will not materially affect the safety, reliability and/or operation of the strategic road network.

Environmental Health - No objection subject to securing details for EV charging.

Conservation Officer - No objection with the harm of the proposals on nearby designated heritage assets identified as less than substantial.

WSCC Lead Local Flood Authority - No objection and no comments.

WSCC Highways - Further information required and are summarised below:

- Highlighted concern with footpaths only being provided on one side of road.
- Shared surfaces could be considered and materials for all will be needed.
- Confirmed that access within the site for service vehicles (fire fighting, refuse) was acceptable.
- The footpath between the two development parcels should be widened.

The site appears to be reliant on access from phases of the adjacent development to the north and east. In the absence of suitable connections for users of the development to and through the adjacent site to serve the development, the occupation of the development under this planning proposal would need to be delayed until suitable access is demonstrated.

WSCC Fire and Rescue - No objection but requested condition to ensure that dwellings are within 150m of a fire hydrant.

Archaeology - Condition 25 imposed on the outline permission will secure a written scheme of investigation and no further comments are made.

Greenspace Officer - No objection subject to securing further detail on the LEAP, LAP provision through the S106 process. Advised the Soft Landscaping plans are now acceptable. Better provision of accessible equipment is supported. The quantum of play space is now policy compliant and acceptable. Still raised concerns regarding open bins, equipment age range and missing details. However, satisfied that this detail can be secured at the Section 106 stage.

Soft landscaping proposals were considered generally acceptable, however, no updated planting plans have been submitted with the amended application.

Drainage Engineers - Holding objection due to insufficient evidence that the design would be able to accommodate a policy compliant design.

Tree Officer - Objection based on lack of arboricultural information and detail, and therefore insufficient

information to inform decision making process in relation to trees. Trees within/adjacent to the application site boundary would qualify for a tree protection order due to their prominence within the wider landscape.

Ecology - No Objection as the planting plans are acceptable and provide wildlife friendly species. Further details of SUDs planting are required, along with minor recommendations to species for internal formal hedge planting. The Biodiversity Net Gain calculations are acceptable.

Natural England - Required a costed management plan at the RM stage. Have been consulted on the Appropriate Assessment and their response is awaited.

NHS - Comments received regarding financial requirements.

COMMENTS ON CONSULTATION RESPONSES:

In response to Natural England's comments regarding a Costed Management Plan, this was secured within the S106 and will be provided prior to commencement and therefore not relevant to this application. Furthermore, a financial contribution to SAMM mitigation has been secured under the S106 agreement. Natural England have not yet responded to the request to review the Appropriate Assessment, however subject to no objection being raised to the Councils Appropriate Assessment the proposals would be acceptable.

WSCC Fire and Rescue requested a condition relating to fire hydrants, however this falls within the remit of Building Regulations and therefore is not considered necessary.

Drainage conditions were imposed on the outline permission and are not considered as part of the reserved matters. It is noted that if the drainage conditions are unable to be discharged due to the layout, a new reserved matters application will be required.

Environmental Health requested conditions for contamination and EV charging, however this has already been secured as a condition under the outline permission.

Financial contributions for the NHS were secured as a S106 obligation under the outline application.

POLICY CONTEXT

The development is located within the Arun Local Plan Strategic Housing Allocation SD1: Pagham South.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan. On 25th February 2021 Arun District Council received an instruction from Pagham Parish Council to withdraw the Pagham Neighbourhood Plan, and therefore there is no relevant Neighbourhood Plan.

The development is located within the Arun Local Plan Strategic Housing Allocation SD1: Pagham South.

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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

INTRODUCTION

Following submission concerns were raised by the Local Planning Authority and the scheme was amended. Further amendments to the scheme in relation to the landscaping details and play area provision. Amendments were also made to the layout of the car parking, depths of properties and elevational treatments.

The application was originally presented to Pagham and Aldwick Advisory Group on 13 December 2022. Comments received were largely based around access requirements and the need for the application to be joined-up with the adjacent Summer Lane development. Some members commented their support for dwellings to be lower in height to respect the wider countryside. A further update was provided by the Council to the Pagham and Aldwick Advisory Group on 19 September 2023 and no substantive feedback or comments were provided.

PRINCIPLE OF DEVELOPMENT

The site forms part of a Strategic Housing Allocation under policy SD1 of the Arun Local Plan. The site forms part of the Pagham South Strategic Allocation under Policy H SP2a of the Arun Local Plan (ALP). The site benefits from outline planning permission (reference P/25/17/OUT), granted 5 September 2019, which established the principle of residential development on the site.

The following conditions were imposed on the outline permission which allows for various matters to be resolved prior to commencement and/or occupation of the development:

- Condition 2 - Employment and Skills Plan
- Condition 5 - Materials
- Condition 9 - Tree Protection Plan and Arboricultural Method Statement
- Condition 10, 11, 12, 13 - Foul and Surface Water Drainage
- Condition 15 - Ecological Management and Mitigation Plan and Ecological Schedule of Works
- Condition 16 - External Lighting
- Condition 17 - Construction and Environment Management Plan (CEMP)
- Condition 22 - Renewable Energy provision to 10%
- Condition 24 - Travel Plan
- Condition 25 - Archaeology
- Condition 26 - Electric Vehicle (EV) Charging

This application relates only to the matters reserved, which are access, layout, landscaping, scale and appearance.

DESIGN AND LAYOUT

Arun Local Plan (ALP) policies D DM1 and D SP1 are relevant in respect of design and character. The National Design Guide (NDG) is also material consideration in the determination of this application, as well as the Arun Design Guide (ADG).

Condition (6) imposed on the outline permission required that a Design Code Masterplan setting out key high level design principles for the site be approved prior to the submission of the Reserved Matters application. The Design Code in relation to the site was approved under reference P/81/22/DOC and the proposed development as amended is in full accordance with the Design Code.

The principle of the layout with the development divided into two parcels with a green space running through the middle was shown indicatively at outline stage under the Masterplan and reflects the design principle of the remainder of the SD1 allocation to the east as well as the principles established through the Design Code.

The proposed layout has dwellings facing outwards to address the countryside adjacent to the site as well as the neighbouring Summer Lane site. A number of dwellings have been designed to positively address corners and provide natural surveillance to the open spaces. The proposals identify the materials distribution within the scheme with flint being present on key "feature buildings" in accordance with the details agreed through the Design Code (Rev C, Page 35) which secures a coherent and strengthened sense of place and character.

The development has adopted a mixed scale with the lowest buildings situated on the edge of the development adjacent to the countryside. This approach is supported by the Arun Design Guide. The development incorporates bungalows as well as 1.5 storey dwellings in order to provide a transition in scale between countryside, lower built form, and two storey development within the remainder of the development.

Dwellings along Pagham Road are fairly consistent in height and are identified as being between approximately 6.5m - 8m in height. The height of the proposed dwellings ranges from 5.3m to 8.3m and this is considered an appropriate response to the established character of the locality. Therefore, the scale of the proposed development is acceptable and is a positive response to the sites location.

The proposals incorporate a range of elevational treatments for the dwellings showing render, brick quoining as well as flint and brick detailing to add interest. The use of flint and brick detailing is characteristic of the wider locality of Pagham and given the smaller number of dwellings proposed on the site is considered an appropriate response.

The roofs are of an appropriate scale for the dwelling sizes, and do not appear overly dominant for the dwellings. Dropped eaves and dormers are used within the scheme to add interest and complement the existing character of Pagham Road. Overall, the dwelling designs incorporate positive design cues which are influenced by the existing character of Pagham.

Materials are conditioned under the outline approval and details of the specific materials to be used in construction will need to be formally approved prior to the commencement of development. The design principles in the approved Design Code identified the following broad principles for materials:

- Brown/red roof tiles
- Rustic coloured brickwork (red/brown)
- Tile hanging/ flint/ quoining/chimney's/render

Officers raised concerns regarding the inclusion of grey roofs, buff bricks, and weatherboarding, which deviate from the approved Design Code, and as a result these have been removed from the proposal.

The proposed palette of materials offers two types of roof materials (red and brown), two brick types (red multi, and Red/Brown Multi), along with render and flint. Tile hanging has not been included within the

proposed scheme, however the materials are substantially in accordance with the approved Design Code.

Proposed internal boundary treatments consist of a mixture of hedgerows, close boarded fencing, brick pier fencing and low level brick walls. Details of the hard landscape boundary treatments are acceptable. A condition has been imposed securing the details of the boundary treatments and ensure their delivery.

During the application officers raised a number of concerns with the parking arrangements, such as the prominence of parked cars within the development and the inclusion of a parking court which benefitted from little overlooking, minimal functional relationship to dwellings and was generally a suburban solution not suited to the sites location.

The applicants sought to overcome these issues with the parking court by rearranging the layout which resulted in better overlooking from nearby dwellings and the street. The position of dwellings were also amended to better utilise buildings as screening for parked cars within the development. Additional landscaping and the use of low-level boundary walls provide some enclosure which in combination with other design matters result in an appropriate car parking layout.

In light of the above the proposed development in terms of layout and design is considered to be a positive response to the character of the wider locality and would positively respond to the edge of settlement character of the site in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

ALP policy D DM1 and policy QE SP1 requires development to contribute positively to the quality of the environment and protect residential amenity for both occupiers and neighbours. The Arun Design Guide aims to provide further guidance on how to protect privacy and amenity.

There are a couple of gardens which are marginally below the recommended 10.5m minimum garden depth. In these cases the gardens are larger corner plots with ample garden space to achieve a high standard of amenity for future occupiers. In these cases neighbouring properties do not feature any windows on the side elevations and are one storey in height and as such do not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts.

The layout accords with the minimum Back-to-Back distance described in the Arun Design Guide. However, there are a small number of instances where there are minor deviations from the recommended distances, specifically, back/front-to-side distances which should be 14m; and front-to-front distances between habitable rooms which should be 16m.

However, in these instances windows are either omitted from the relevant elevations or are obscurely glazed. In addition, most back/front-to-side deviations occur between bungalows, resulting in no possible overlooking from second storey windows.

The Arun Design Guide is just guidance and is not a set of limitations on what is and is not acceptable. These matters must be considered on their own merits and the level of harm if any that would result. In this case whilst there are a small number of deviations from the recommended distances there would be no adverse harm to the privacy and amenity of occupants and as such the development would accord with D DM1 and QE SP1 of the ALP.

VEHICLE AND CYCLE PARKING

Arun District Council Parking Standards Supplementary Planning Document (SPD) requires development

within this location, Zone 2, to provide for 2 allocated parking spaces for all 1, 2 and 3 bedroom dwellings and 3 allocated parking spaces for every 4 bedroom dwelling. In addition, visitor parking provision should be 20% of the total number of units (specifically 13).

The quantum of allocated parking proposed is 137 allocated parking spaces, which meets the allocated parking provision required by the SPD. 14 visitor parking spaces are proposed, and this would result in an overprovision of 1 visitor parking space, which would be acceptable.

In relation to parking dimensions, all standard parking dimensions are proposed to be 2.5m x 5m, as per the ADC Design Guide (pg. 77). Disabled and Accessible homes also meet the required dimensions.

The Arun Parking SPD identifies that 5% of all parking spaces should cater for disabled provision. This would equate to 7.55 spaces for this development. The proposed layout include 14 allocated on plot disabled parking spaces to serve the M4(2) or M4(3) compliant dwellings and this overall provision is acceptable.

The ADC Design Guide part I.01 recommends that parking solutions should be varied, and sensitively located to minimise their presence within the street scene. Parking should also avoid being placed to the front of dwellings at the detriment of front gardens and overbearing dwelling frontages. As the site is located adjacent to the open countryside, there is also a need to ensure that cars are hidden within views of the new settlement edge.

Parking is generally proposed on plot, typically to the sides of dwellings, which is an acceptable approach which reduces the impact of cars upon the streetscene. The proposals use building lines, soft and hard landscaping to further screen cars from views and is therefore supported.

No details of cycle parking have been provided within the submission but it is anticipated that cycle parking would be provided within gardens. There is adequate rear garden access to all plots and so this approach would be considered acceptable and could be satisfactorily conditioned to ensure that cycle parking is provided for each of the dwellings.

Therefore, the proposal deliver satisfactory levels of car and cycle parking which are appropriately located. Car parking provision accords with Policy T SP1 of the Arun Local Plan, Arun Parking Standards SPD and the Arun Design Guide.

HERITAGE

The principle of development has been established through outline planning permission, P/25/17/OUT, through which heritage impacts were assessed in accordance with the NPPF, Arun Local Plan, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. At outline stage, impacts on heritage were found to be less than substantial in accordance with the NPPF.

Paragraph 194 of the NPPF requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The Local Planning Authority (LPA) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development which may affect the setting of a heritage asset), taking into account any available evidence and necessary expertise in line with Paragraph 195 of the NPPF.

Paragraph 197 of the NPPF states that in the determination of planning applications the LPA should take account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive

contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed buildings or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

There are no designated, or non-designated built heritage assets within the boundary of the site. However, a Scheduled Ancient Monument (located approximately 650m to the south of the site boundary), Non-Designated Heritage Assets (both approximately over 420m from the site) and Listed Buildings (the closest, White Rock, is located approximately 400m from the site) are found in the wider locality.

A Heritage Assessment Addendum was submitted alongside the reserved matters application to ensure the layout and proposed built form align with the conclusions made at outline stage. The Conservation Officer has confirmed that there is no harm to the overall significance of most Listed Buildings due to the separation distances between the application site and the heritage assets. However, there are some minor setting impacts upon Listed Buildings, specifically the Parish Church of St Thomas a Becket, Millstone Cottage and The Old Cottage.

Approximately 600m to the south of the application site is St Thomas a Becket, a Grade I listed medieval church which was restored in 1837. The tower is a landmark visible in long distance views. Immediately adjacent to the church is Old Cottage, an 18th Century thatched cottage which together with the church forms a picturesque grouping. Millstone Cottage is located to the west of the churchyard and there are limited views from the application site.

The Conservation Officer confirms that Millstone Cottage and The Old Cottage, both located approximately 600m south of the development are of architectural and historic significance. The development forms part of the wider rural setting, but intervening vegetation results in the inability to fully appreciate the buildings architectural interest. The planting to the south of the site is important in helping to reduce the visual impact of the development on their setting. The level of harm identified is therefore minor and would cause less than substantial harm in accordance with the NPPF.

The fields to the north of the Parish Church of St Thomas a Becket contribute towards the understanding and appreciation of the rural origin of the church and historic core of the village. However, the application site forms part of the wider rural setting, and makes limited contribution to the historic and architectural interest of the listed building, but would not impact on the immediate setting of the church.

Limited views are possible from within the site whilst some views are possible from Footpath 101 which runs adjacent to the development site. As a result of development, there would be a loss of some views of the church and a reduction in the wider rural setting. Therefore, the level of harm identified would be less than substantial in accordance with Paragraph 202 of the NPPF (2023).

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. The outline permission weighed the substantial contribution to the housing land supply of Arun District and deemed the development would outweigh the less than substantial harm identified to the setting and significance of the nearby designated heritage assets. The Conservation Officer confirms that there is no change in harm over and above what has been considered and approved at outline permission stage.

Therefore, the application continues to be in accordance with paragraph 202 of the NPPF the proposal is deemed to be acceptable and would accord with policies HER SP1, HER DM1 and HER DM4 of the Arun Local Plan.

HIGHWAYS AND ACCESS

This application seeks to approve the reserved matter of access. In order to agree details of access, the applicant is required to provide details on how a vehicular link will be provided between the development and an existing highway. An indicative access plan has been provided showing the two proposed accesses for each development parcel on the eastern boundary which will link into the internal road network on the adjacent site.

Policy H SP2a Greater Bognor Regis Urban Area states that this development consists of a number of parcels of land, and therefore "it is imperative that individual areas are aligned with neighbouring parcels of land."

WSCC Highways had no objection to the access arrangements into the site, but did identify the need for the adjacent Summer Lane development to come forward in advance of first occupation in order to secure safe and appropriate access to the development. Therefore, a condition will be imposed to ensure that the timing of first occupation aligns with access being available and fully operational. WSCC have also confirmed that the layout provides adequate space for emergency and refuse vehicles.

Subject to the approval of P/153/22/RES, the proposed access arrangements would be acceptable and would accord with Policies H SP2a and T SP1 of the Arun Local Plan.

ACCESSIBLE DWELLINGS

Arun District Council have published the Accommodation for Older People and People With Disabilities guidance document to assist in the interpretation of Policies D DM1 and D DM2. This document is not an SPD, however it does form a material consideration to ensure that housing in Arun addresses the needs of a wider range of the population. The guide suggests that development should provide 50% of units designed to M4(2) standard, whilst a development of this size would be required to contribute 4 M4(3) standard dwellings.

The accommodation schedule indicates 10no. 2-bed dwellings would be built to M4(2) standard and 13no.1&2-bed dwellings are proposed to be built to M4(3) standard. The quantum of units proposed would exceed the minimum requirements identified through guidance and as such is acceptable.

As identified above the parking dimensions for the M4(2) and M4(3) dwellings on site are all in line with policy and guidance and as such are acceptable. Most of the parking is on plot, and the distance between the front door and parking space meets the recommendations of the Arun District Design Guide and is therefore acceptable.

The provision of M4(2) standard dwellings and M4(3) standard dwellings is therefore acceptable and would accord with Policy D DM1 and D DM2 of the Arun Local Plan.

HOUSING MIX AND AFFORDABLE HOUSING

Policy H DM1 (Housing Mix) of the ALP requires developments to seek a mix of dwelling types and sizes in general accordance with the latest Strategic Housing Market Assessment (SHMA).

The proposal seeks to provide the following housing mix:

1 Bedroom: 7 units (11%)
2 Bedroom: 21 units (32%)
3 Bedroom: 30 units (46%)
4 Bedroom: 7 units (11%)

The proposed mix results in an overprovision of 3 bed dwellings, and subsequently an under provision of both 1 and 2 bed dwellings. The site has various constraints, including its sensitive rural setting which results in the need to deliver a looser grain of development in order to achieve an appropriate transition from the built up area to the countryside. In addition to this, the applicant is delivering a larger number of dwellings to meet the needs of older people and those with disabilities, which are typically bungalows. Whilst policy would seek to secure a higher provision for 1 and 2 beds properties, given the sites specific constraints the overall mix is acceptable.

The mix of affordable dwellings proposed is: 15 Affordable rented (2 x 1 bed; 10 x 2-bed; 3 x 3 bed); and 5 Shared Ownership (3 x 2-bed; 2 x 3-bed).

There is an overprovision of 2 bed affordable intermediate units, and an under provision of 1 bed affordable intermediate units, however given the small number of shared ownership units required (5), this is considered acceptable. Likewise, there is an overprovision of 2 bed affordable rented units, and an under provision of 1 bed affordable rented units.

However, 5 affordable rented units would be bungalows designed to M4(3) standard, making them accessible for people with disabilities, and therefore addresses identified demand for older people and people with disabilities. The overall split (75:25) of affordable rented and shared ownership tenures aligns with the S106 agreement as well as policy AH SP2 of the Arun Local Plan.

The proposed locations of the affordable units (rented and shared ownership) are distributed appropriately throughout the site as small clusters avoiding any overconcentration of affordable units.

The S106 requires an Affordable Housing Scheme to be submitted for approval which will secure details of the affordable housing in perpetuity. However, the details as provided in support of this application are acceptable and as such the affordable housing proposals would accord with Policy AH SP2 of the ALP.

SOFT LANDSCAPING

The NPPF and Arun Local Plan (ALP) policies D DM1, ENV DM5 and LAN DM1, the Arun Design Guide, and the National Design Guide requires developments to consider landscaping, to ensure a high-quality scheme is achieved using soft and hard landscaping which reflects the established character of the local area. The NPPF emphasises that trees make an important contribution to the character and quality of their environment.

The Arun Landscape Capacity of Strategic Sites in Arun District (2017, HDA), advises of improvements that would be encouraged in any proposals on the allocation site:

- 4.1 With limited vegetative boundary structure across the site a comprehensive strategy of planting along historic boundary alignments, including hedgerows, trees and grass margins, should be developed to recreate a network of green links across any developed areas.

- 4.2 The current filtered settlement edge would need to be recreated along the interface between any new development and the rural landscape to the west, to limit views of built form from the rural landscape beyond, including from public footpaths within the adjacent rife and harbour landscapes. However, a new landscape structure would take significant time to establish and would need to be mature enough to offer significant screening to views.

Individual planting plans have been provided to supplement the Landscaping General Arrangement Plan (DD585L01 Rev F) which provides suitable detail and is confirmed as acceptable by the Council's Greenspace Officer.

Formal tree lined streets as per NPPF requirements are a very suburban response and are not considered an appropriate response to the edge of settlement character of the site. Instead, proposed trees are provided on irregular pockets of open space throughout the site. Appropriate soft landscaping, including trees, shrubs and dense hedgerows along the boundaries are also proposed within the Public Open Space. The strong boundary planting will ensure that the site is sufficiently screened and the planting within the site is characteristic of the wider setting.

The issues raised by the Council's Ecologist in relation to missing wetland planting details and internal formal hedgerow mix have been passed through to the applicant who intends to provide updated plans in response to these issues. Therefore, once these amendments have been received they will be presented to Members as part of a report update

The soft landscaping proposals provide some screening in wider views and within the streetscene. Therefore, subject to confirmation of the wetland planting details and formal hedgerow mix the proposals are in accordance with Policy D DM1 and LAN DM1 of the ALP.

BIODIVERSITY AND PROTECTED SPECIES

Mandatory Biodiversity Net Gain (BNG) of 10% under the Environment Act has not become been enacted yet, and therefore the policy most relevant is ENV DM5 of the Arun Local Plan.

This policy stipulates a requirement for development to deliver a Biodiversity Net Gain and that proposals should seek to protect habitats on site. The NPPF 2023 states that development should contribute to and enhance the natural and local environment by minimising impacts and providing measurable net gains for biodiversity (Paragraph 174, d). NPPF Paragraph 180 states that "d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

A Biodiversity Metric has been provided and updated based upon the latest soft landscaping proposals which show a Net Gain for Biodiversity both for habitats (1.89%) and hedgerows (170%).

The planting plan (Landscape General Arrangement Plan Rev F) shows many trees located within private front gardens, and it has been confirmed that these have been excluded for the purposes of BNG calculations. A condition was imposed on the outline to ensure that any trees or plants that fail to establish or die within 5 years must be replaced, and a management plan for their upkeep secured within the Section 106 agreement. Therefore, the proposals would result in a biodiversity net gain in accordance with policy ENV DM5.

The Ecology Officer confirms that a Phase 2 Bat survey has been carried out which is acceptable. A bat roost is present within the existing dwelling and therefore a European Protected Species Mitigation Licence for bats will be required from Natural England.

In addition, the time since the outline application the grassland has become less vigorously managed, for which a precautionary reptile capture is recommended (EcoSupport, 14th July 2022). However, Condition 15 imposed on the outline approval (P/25/17/OUT) requires the submission of an Ecological

Management and Mitigation Strategy prior to commencement or any preparatory works. Therefore, the condition will ensure that the LPA will be able to secure details of a precautionary capture process for reptiles.

The Ecology Officer also raised the need for a biodiversity enhancement plan, however this was secured via condition imposed on the outline permission (P/25/17/OUT).

Subject to conditions, the Local Planning Authority would ensure the protection and mitigation of protected species under its duties of the Conservation of Habitats and Species 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

In addition, the development secures adequate Biodiversity Net Gain (BNG) and accords with policy ENV DM 5 of the Arun Local Plan, Chapter 15 of the NPPF, National Design Guide, and Part E.03 of the Arun District Design Guide.

TREES AND HEDGROWS

The relevant policy consideration in relation to trees is policy ENV DM4 of the ALP which seeks to prevent the loss of trees which contribute to amenity.

The Landscape General Arrangement Plan (Rev F) indicates where trees and hedges are proposed to be removed. Alongside the outline application document Tree Constraints Plan, the following are shown to be removed:

- Approximately 35 individual trees (mainly category C);
- Category C hedgerow to the northern part of the site; and
- A group of Grey Poplars Category B trees (number of individual trees unknown - but approximately 27 trunk points shown).

The Council's Tree Officer states that while the design is largely acceptable in terms of removal of internal trees to accommodate the proposals, the linear group of poplar trees TL03 should be retained. No current TPO exists for the site or any trees within or adjacent to the site. The outline permission established the principle of development within the site and no fundamental objections were received regarding the indicative plans which would have resulted in the loss of this group of trees (TL03). The proposed layout accords with the approved Design Code which was based upon the indicative masterplan (Masterplan - FS06 - Rev. C - January 2017) considered by the Council through the determination of outline application P/25/17/OUT.

The Council's Tree Officer recommended that the existing hedgerow on the northern boundary of the site is retained. However, the layout as proposed results in its loss. In order to mitigate this removal, the proposed planting scheme will secure a triple staggered native hedgerow that extends around the site providing a joined up habitat and as such is judged to be a suitable replacement.

The Tree Officer has also noted the lack of specific plans relating to trees, such as an Arboricultural Method Statement and Tree Protection Plan. However, these are required to be provided and approved by the Local Planning Authority prior to the commencement of development as part of tree condition imposed on the outline permission.

Policy ENV DM4 of the Arun Local Plan identifies that development should seek to replace trees where they are required to be removed. The application proposes the planting of 121 no. new trees on the site, which is marginally less than two trees for every one tree to be removed. The trees are a mixture of sizes

but include extra heavy standards throughout the site. Once matured these trees will make a meaningful contribution to the site in terms of amenity, biodiversity and carbon storage.

Therefore, the proposed loss of trees would be adequately mitigated and would be in general accordance with ENV DM4 of the ALP.

HRA / PAGHAM HARBOUR AND PEDESTRIAN LINKS

Policy ENV DM2 of the Arun Local Plan (ALP) requires that development within Zone B of the Pagham Harbour (part b, ii) creates easily accessible new green spaces for recreation within or adjacent to the development site to accommodate the predicted increases in demand for local walking, including dog walking. In addition to providing recreational walking routes for occupiers and dog walkers for the benefit of the Pagham Harbour, layouts should also encourage walking and cycling both to and from the development and within it, to support healthy lifestyles and sustainable travel in accordance with paragraph 92 of the NPPF and policies HWB SP1 and T DM1 of the ALP.

The Council considered that the applicant's avoidance and mitigation strategy (Habitats Regulations Appropriate Assessment, By Lizard LLD1531-ECO-REP-001 Rev 00) within the outline permission was robust and met the tests of the Appropriate Assessment and Natural England agreed with this assessment and the mitigation measures identified and secured at outline stage.

The applicants HRA provided a mitigation / avoidance strategy which comprised four key elements. It stated:

"Firstly; on site provision for recreation activities including dog walking; secondly; a package of measures aimed at alleviating existing and future pressures from visitor numbers on the SPA / RAMSAR site itself. Thirdly; the site boundaries of the development area would be strengthened with extensive new planting and stock fencing in order to buffer the retained farmland to the west potentially used by Dark-bellied Brent Geese from built form and movement of vehicles and people / dogs within the development. Fourthly; a bespoke package of measures is proposed which deliver long term mitigation / enhancements for Brent Geese."

A financial contribution has been secured via Section 106 agreement towards the Pagham Harbour Strategic Access, Management and Monitoring (SAMM) which seeks to manage and mitigate visitor pressure within the Harbour.

The development proposes a quantum of POS which would consist of 0.86ha of useable Public Open Space which would exceed the requirement identified within the original Appropriate Assessment and as such this is acceptable.

A self-binding gravel footpath is proposed to connect the two residential parcels, which have pavements aligning most of the highways. There is also a footpath access to the Summer lane development via a footbridge connection to the southeast. A range of circular walks for recreation and dog walking can therefore be achieved within the site as well as through the neighbouring Summer Lane development.

The HRA described the required mitigation planting as dense new tree planting to the site boundaries, significantly bolstering existing tree line and hedgerows along with adequate fencing to act as visual and physical deterrent to the Pagham Harbour. The Landscape General Arrangement Plan Rev F shows the boundaries of the site adjacent to the open countryside are to be planted with triple staggered native hedging. A 1.2m timber post and rail fence with stock proof mesh would be proposed to the southern, western and northern boundaries of the site, connecting to the fencing provided at the adjoining Summer Lane development.

Other detail such as timing of delivery of the fencing and vegetation to ensure that the mitigation has maximum impact during the construction phase will be secured through an appropriately worded condition.

An Appropriate Assessment has been undertaken which concluded that the development would encourage users to remain within the site and restrict dogs having direct access into the harbour and as such would not result in any likely significant adverse impacts on the Pagham Harbour SPA. Natural England have been consulted on the Appropriate Assessment, and subject to confirmation that they have no objection to the conclusion of the assessment, the development would be in accordance with Policy ENV DM2. The proposed layout would also provide sufficient circular routes to encourage healthy lifestyles in accordance with Policy HWB SP1 and T DM1 of the ALP as well as paragraph 92 of the NPPF.

PUBLIC OPEN SPACE (POS) AND PLAY SPACE

The Public Open Space (POS) required for the site is 4,576sqm. Of this, a minimum of 787sqm of play space in the form of 1 Locally Equipped Area for Play (LEAP) and 1 Local Area for Play (LAP) are required to be delivered.

The proposal provides approximately 787sqm of play space and 8,600sqm of POS, for which the useable meaningful POS provision exceeds the policy requirement and as such the total level of provision is deemed acceptable. Whilst not included within the Open Space quantum, the development would provide for pockets of irregularly shaped public open space within the developed parcels, which have been discounted from the total POS provision but which contribute towards the softening of the built form and parking.

The locations of the play areas provide opportunities for natural surveillance from surrounding dwellings and would be acceptable in principle. The Public Open Space Supplementary Planning Document (SPD) requires that LEAPs provide a 20m minimum buffer between the activity zone and dwelling facades. The proposed LEAP is located approximately 17.90m from the nearest dwelling's facade (plot 60). However, proposed planting within the play area will ensure that the activity zone and equipment is sited than 20m from the dwelling's facade in accordance with the Open Space SPD.

Amendments were made throughout the lifetime of the application, to include more accessible equipment which is positive. The Greenspace Officer still has concerns with some of the proposals, regarding open top bins, undefined play pieces, and equipment target age range. However, the Section 106 Legal Agreement secured for the site includes an obligation to agree play area details with the Council and the Greenspace Officer has confirmed that they are content that it is appropriate to secure this detail through the Section 106 agreement.

Overall, the play provision is sufficient, and would accord with the Arun Open Space SPD and Policy HWB SP1 of the Arun Local Plan (ALP).

DRAINAGE

ADC Drainage Engineers have raised a holding objection to the application, as insufficient information has been provided to demonstrate a policy compliant drainage scheme. Further information was provided by the applicant in response to this point but has not currently been reviewed by the Council's Drainage Engineers.

However, Conditions 10, 11 and 12 imposed on the outline planning permission (P/140/16/OUT) relate to

surface water drainage and require details to be submitted for approval prior to the commencement of development. Therefore, as drainage was considered at outline stage and these pre-commencement conditions were imposed there is no requirement to approve drainage details alongside this reserved matters submission.

This application and layout was proposed by the applicant at their own risk and should it not be possible for an appropriate drainage scheme to be accommodated alongside the proposed layout then the applicant will not be able to implement the permission. Given the inclusion of pre-commencement conditions to secure detailed drainage design this reserved matters application can be determined without the full support of Drainage Engineers and as such it is not necessary to demonstrate compliance with policy W DM3 at this time.

CONCLUSIONS

The amendments made to the application have overcome the original concerns raised by the Local Planning Authority and statutory consultees. Following amendment the proposals are now in accordance with relevant development plan policies. In the absence of any material considerations contrary to this it is recommended that the application is approved subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Site Layout (Coloured) PL-2-02 Rev F
 Tenure Layout PL-2-03 Rev F
 Bedrooms Layout PL-2-03
 Building Materials Layout PL-02-05 Rev G
 Boundary Materials Layout PL-02-06 Rev G
 Parking & Bins & Cycle Storage Layout PL-02-07 Rev F
 Landscape General Arrangement Plan DD585L01 Rev F
 Detailed Planting Plan_Sheet 1 of 5 DD585L03 Rev C
 Detailed Planting Plan_Sheet 2 of 5 DD585L04 Rev C
 Detailed Planting Plan_Sheet 3 of 5 DD585L05 Rev C
 Detailed Planting Plan_Sheet 4 of 5 DD585L06 Rev C
 Detailed Planting Plan_Sheet 5 of 5 DD585L07 Rev C
 1 Bed Bungalow - Type A - Semi (Brick) PL-HT-1A_S-01
 1 Bed Bungalow - Type B - Detached Plans PL-HT-1B_S-01
 1 Bed Bungalow - Type B - Detached (Brick) PL-HT-1B_S-02
 1 Bed Bungalow - Type B - Semi (Brick Quoin & Flint) PL-HT-1B_S-03
 2 Bed Bungalow - Type A - Detached Plans PL-HT-2A_D-01
 2 Bed Bungalow - Type A - Detached (Brick Quoin & Flint) PL-HT-2A_D-02
 2 Bed Bungalow - Type A - Detached (Brick Detailing) PL-HT-2A_D-03
 2 Bed Bungalow - Type A - Semi Plans PL-HT-2A_S-01
 2 Bed Bungalow - Type A - Semi (Brick Quoin & Flint) PL-HT-2A_S-01
 2 Bed House - Type A - Semi (Brick Quoin & Flint) PL-HT-2B_S-01
 2 Bed House - Type A - Semi (Brick Quoin & Render) PL-HT-2B_S-02
 2 Bed House - Type A - Semi (Brick) PL-HT-2B_S-03
 2 Bed House - Type A - Semi (Brick Detailing) PL-HT-2B_S-04
 2 Bed House - Type A - Terrace (Brick Detailing) PL-HT-2B_S-05
 3 Bed House - Type A - Semi (Brick Quoin & Flint) PL-HT-3A_S-01
 3 Bed House - Type A - Semi (Brick Quoin & Render) PL-HT-3A_S-02
 3 Bed House - Type A - Semi (Brick) PL-HT-3A_S-03
 3 Bed House - Type B (V1) - Detached (Brick Detailing) PL-HT-3B_D-01
 3 Bed House - Type B (V2) - Detached (Brick Detailing) PL-HT-3B_D-02
 3 Bed House - Type B (V3) - Semi (Brick Quoin & Flint) PL-HT-3B_S-01
 3 Bed House - Type B (V3) - Semi (Brick Quoin & Render) PL-HT-3B_S-02
 3 Bed House - Type B (V3) - Semi (Brick Detailing) PL-HT-3B_S-03
 3 Bed House - Type C - Semi (Brick Quoin & Flint) PL-HT-3C_S-01
 3 Bed House - Type C - Semi (Brick) PL-HT-3C_S-02
 3 Bed House - Type C - Semi (Brick Detailing) PL-HT-3C_S-03
 3 Bed House - Type D - Semi (Brick Detailing) PL-HT-3D_S-01
 4 Bed House - Type A (V1) - Semi (Brick Detailing) PL-HT-4A_S-01
 4 Bed House - Type A (V1) - Terrace (Brick Detailing) PL-HT-4A_T-01
 4 Bed House - Type A (V2) - Semi (Brick Quoin & Flint) PL-HT-4A_S-02

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

- 2 Prior to occupation of any dwelling hereby permitted, details of the cycle storage and bin storage shall be submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the bin storage and cycle storage have been provided in accordance with the approved detail for that respective dwelling. The spaces provided shall be retained in perpetuity.

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

- 3 Prior to the occupation of any dwelling, the footpath and footbridge connection to the adjacent development site (Summer Lane) must be implemented and operational. The footbridge shall be maintained in perpetuity.

Reason: To ensure adequate circular walks and routes in line with the mitigation for the Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) in accordance with Policy ENV DM1 of the Arun Local Plan.

- 4 The development shall not be occupied until the access to the site as per the Access Plan PL-02-09 Rev B has been implemented and is fully operational and gives access to Pagham Road.

Reason: To ensure that occupants have adequate vehicular access to the highway.

- 5 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 policies ECC SP1 and W DM1 of the Arun Local Plan.

- 6 Prior to the commencement of the development, a Mitigation Landscape Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable of when planting (hedging and trees) and fencing on the northern, western and southern boundaries is to be implemented in relation to the commencement of development and pre-construction activities and details showing the measures to protect and maintain the works during the construction phase. The approved detail will be implemented in full.

Reason: To ensure adequate mitigation planting in order to comply with the approved Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) in accordance with Policy ENV DM1 of the Arun Local Plan.

- 7 Prior to the occupation of any dwelling, details of all signage and Homeowner Information Packs pertaining to the education of the Pagham Harbour site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the locations, appearance and contents of the signage and Information Packs, and shall also be in line with the messaging guidelines of the Pagham Harbour Strategic Access Management and Monitoring Plan. The approved details shall be implemented in full prior to the occupation of any dwelling and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate mitigation planting in order to comply with the approved Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) in accordance with Policy ENV DM1 and ENV DM2 of the Arun Local Plan.

- 8 INFORMATIVE: Note that the Precautionary Reptile measures specified within the updated Ecology Note, Ecosupport October 2022 shall be included within the submission for Condition 15 of the P/25/17/OUT (relating to an Ecological Management and Mitigation Plan and Schedule of Works).

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](#).

P/139/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AL/102/23/PL

LOCATION: Land North of Northfield Farmhouse
Fontwell Avenue
Eastergate

PROPOSAL: Development of 3 dwellings with associated landscaping and infrastructure. This application is a Departure from the Development plan, is in CIL Zone 3 and CIL Liable as new dwellings, and a dual parish application with Barnham & Eastergate Parish Council.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The site benefits from outline permission for the development of 8 dwellings (reference BN/147/21/OUT - followed by submission of reserved matters for 7 houses). This detailed application forms part of the site covered by the outline permission - to the SW of the houses granted by the extant permissions, and proposes the development of 3 additional dwellings with associated access, parking, landscaping, and infrastructure.

SITE AREA Approximately 0.12ha.

RESIDENTIAL DEVELOPMENT DENSITY 25 dwellings per hectare.

TOPOGRAPHY Predominately flat.

SITE CHARACTERISTICS The site comprises land associated with 1 Northfields Farm Cottages, including areas of grass, stables, and other barns/outbuildings.

Fontwell Avenue runs parallel to the eastern boundary of the site, with housing, nurseries, and a service yard beyond. A private road to Northfield Farmhouse is to the south of the site. A line of mature trees is located at the western boundary of the site.

Access to the site is gained via Northfield Farmhouse's driveway which is a private road serving 4 dwellings.

CHARACTER OF LOCALITY Rural in character with agricultural fields currently located to the west and north of the site, however, these parcels of land benefit from planning permission for residential development (ref. BN/50/20/PL and AL/113/21/OUT). When built out there will be a combined total of 111 dwellings to the north and north west of the site, altering the character of the immediate area.

To the immediate east are nos. 1 & 2 Northfield Cottages.

Beyond these on the opposite side of Fontwell Avenue there is a mix of open land and dwellings.

RELEVANT SITE HISTORY

BN/147/21/OUT	Outline application with all matters reserved (except access) for the erection of up to 8 No. dwellings. This application also lies within the parish of Aldingbourne. This application is a Departure from the Development Plan.	ApproveConditionally 03-03-22
BN/176/22/RES	Approval of reserved matters following outline consent BN/147/21/OUT for 7 No dwellings with associated landscaping and infrastructure. This application also lies within the parish of Aldingbourne and is in CIL Zone 3 and is CIL Liable as new dwellings.	ApproveConditionally 13-03-23
BN/50/20/PL	Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.	App Cond with S106 11-12-20
AL/113/21/OUT	Outline application with all matters reserved, apart from access, for up to 69 No dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.	App Cond with S106 25-05-22

It is noted that the site is bounded by extant permissions as follows:

Permission was granted under reference BN/147/21/OUT for 8 No. dwellings on land directly to the north-east of this application site.

A subsequent reserved matters application was approved under reference BN/176/22/RES for the development of 7 dwellings, under the above outline.

Permission was granted for 42 dwellings on land to the north of this application site under reference BN/50/20/PL. With permission also granted for a further 69 dwellings on land to the north-west of the application site under reference AL/113/21/OUT.

On this basis, when the surrounding permissions are fully built out, there will be 118 dwellings to the north, north-west and north-east of the application site, altering the immediate character of the area.

REPRESENTATIONS

Aldingbourne Parish Council objects to this application 'as it is a departure from the development plan, it is outside the Built Up Area Boundary (EH1) of the Aldingbourne Neighbourhood Plan and is deemed to be an overdevelopment of the site based on existing housing density (H3).'

COMMENTS ON REPRESENTATIONS RECEIVED:

These matters are considered in the conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Council Drainage Engineer - No objection to this application. The applicants FRA and Drainage Strategy and drainage layout do not meet our design requirements, therefore standard condition PCENGD2 should be imposed.

West Sussex Fire and Rescue Service - recommend imposition of a condition.

Ecology Consultee - No objection subject to imposition of conditions.

Southern Water - No objection.

West Sussex County Council Highways - No objection subject to the imposition of conditions.

Archaeology Consultee - No objection subject to the imposition of a condition.

Environmental Health - No objection subject to the imposition of conditions.

South Downs National park Authority - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built Up Area Boundary (BUAB);
- WSSC Mineral Consultation Area (Sharp Sand & Gravel);
- WSSC Waste Consultation Zone;
- Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
- Current & Future Flood Zone 1;
- Lidsey Treatment Area;
- Water Source Protection Zone; and
- CIL Zone 3.

DEVELOPMENT PLAN POLICIES

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

- CSP1 C SP1 Countryside
- AHSP2 AH SP2 Affordable Housing

DDM2	D DM2 Internal space standards
ECCDM1	ECC DM1 Renewable Energy
WDM2	W DM2 Flood Risk
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH6](#) Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy EH7 Renewable and low carbon energy

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

Aldingbourne Neighbourhood Plan 2019-31 Policy GA2 Footpath and cycle path network

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy H6 Windfall Sites

Aldingbourne Neighbourhood Plan 2019-31 Policy H8 Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy EH7 Renewable and low carbon energy

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy Windfall Sites

H6	
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
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 ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H1	Specific site allocation
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

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

The relevant policies of the Barnham & Eastergate Neighbourhood Development Plan (BENDP) are considered in this report.

This site also lies in Aldingbourne and the revised Aldingbourne Neighbourhood Development Plan (ANDP) (made on 14/07/21) is referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of 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 and these are discussed in the conclusions section below.

CONCLUSIONS

PRINCIPLE

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal.

Despite its countryside location, the site is sustainably located. It adjoins an approved development for 7 dwellings which was approved under references BN/147/21/OUT and BN/176/22/RES. This neighbouring development was deemed acceptable as it was roughly equidistant between the edges of two nearby BUABs, and it sits within a cluster of new development as detailed above.

The application site is within walking or cycling distance from a number of local amenities and facilities including a post office, medical centre, nursery, secondary school, Eastergate Parish Hall, Fontwell Park, and Eastergate sports field.

Due to the HLS being below 3 years, on the basis of Paragraph 14 of the NPPF, the presumption in favour of sustainable development as per Paragraph 11 is unaffected by the Neighbourhood Plans and

development that conflicts with them will not significantly and demonstrably outweigh the benefits.

At the end of this report, it will be considered in the balancing exercise whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

VISUAL AND LANDSCAPE IMPACT

ALP policies D SP1 and D DM1 requires that development makes the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states that development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

BENDP Policy ES5 (Quality of design), ES6 (contribution to local character), H4 (Integration of new housing into surroundings), H5 (outdoor space) and H6 (Attention to detail) are relevant and set out requirements for high quality design, and development of an appropriate density that reflects the design and character of surroundings.

ANDP policy H3 states that density should be appropriate to location. Policy H8 says that development should provide outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area. Policy H9 details items that must be considered early in the design process and integrated into an overall scheme.

The Arun Design Guide (ADG) was adopted as a formal supplementary planning document in January 2021. Sections G, H & J are relevant.

Section G of the ADG suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations. The density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The Design Guide states each scheme is to be assessed based on the context, accessibility, proposed building type, form and character of the development of the individual site - and as a result, the density may be outside of the indicative ranges.

The density of the proposed site is 25 dph. Although a little higher than the policy guide, this density reflects the two nearby sites which are 22.7 (BN/50/20/PL) and up to 27.3 (AL/113/21/OUT) dwelling per hectare. The density is therefore appropriate to its location and in the context of the surrounding residential development.

The layout comprises a single detached dwelling and a pair of semi-detached units. The dwellings face north towards the site entrance, with the allocated car parking spaces located to the side of the dwellings. One visitor car parking space, which is surrounded by soft landscaping, is located to the north of Plot 1. The layout is acceptable and would face development towards other permitted plots to the North, with the gardens and softer landscaped boundaries set towards the edge of the site, providing a 'green buffer' around the housing. The road is a continuation of the adjacent permitted scheme and provides sufficient access and turning space while not dominating the site.

A larger area of soft landscaping is provided at the north-east corner of the site and soft landscaping including a new hedge is shown parallel to the eastern boundary of the site. This would provide separation between the car parking on plot 3 and the existing site to the east.

Appropriate to its context, the site includes expansive green space with appropriately sized rear and front gardens, and soft landscaping along the site boundaries. A new native hedgerow is shown along the

eastern boundary of the site to provide a soft landscaped edge to the site. This would provide screening between the site and the existing dwelling to the east. Three new trees are also provided along the eastern boundary, as well as a new tree to the north of the site, to the west of the site entrance.

An area of soft landscaping including a flowering lawn, native mixed hedgerow and a new tree, has been incorporated at the northeast corner of the site. A soft landscaped area is also provided at the west of the site to provide a softened approach to Plot 1. A dedicated area of soft landscaping, including a footpath, has also been provided to the front of Plots 2 and 3.

The car parking spaces are located adjacent to the dwellings to reduce the areas of hardstanding directly outside the front doors.

The layout of the scheme broadly reflects the emerging residential character and scale of the area and would cause no harm to this. In this regard, the proposal would be in accordance with Policies D DM1 and QE SP1 Quality of the Environment and the Design Guide SPD.

The proposed dwellings are simple in design with a basic and not displeasing aesthetic. Materials are kept to a minimum including red brick walls, and grey and red roof tiles. This would accord with the surrounding permitted development and not appear overly dominant within the landscape.

The development proposal is considered to be in accordance with the Arun Design Guide, Local Plan Policies D DM1 and QE SP1, and Neighbourhood Plan Policies.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and interface distances between houses.

In terms of garden depths, Plot 1 features the shortest rear depth of just 5.6m but does benefit from significant garden provision to the west of the plot which would measure approximately 13m in width. The rear garden for plot 2 measures between 9.6m and 10.5m in depth. Whilst this falls below the minimum depth of 10.5m identified in the Arun Design Guide given the lack of development to the rear and the width of the garden at 8.3m it is considered sufficient to avoid any unacceptably adverse impacts upon residential amenity of future occupiers. Therefore, the proposed gardens are sufficient to provide adequate outdoor amenity space to meet the needs of future residents.

The proposed dwellings would have a gross internal floor area of approximately 106m² which exceeds the minimum standards set out within the Nationally Described Space Standards. Therefore, the proposed dwellings are of an appropriate size to meet the needs of future occupiers.

The proposed dwellings do not sit in close enough proximity to any existing (or consented dwellings) such that there would be any loss of privacy, light or give rise to any overbearing impact. Owing to the siting and orientation of the dwellings, there would be no significantly detrimental impact on neighbouring amenity and therefore no conflict with ALP policies D DM1 or QE SP1.

TREES

An Arboricultural Impact Assessment and Method Statement has been submitted in support of the application.

The assessment notes that the existing site contains a small area of amenity grassland and several stable buildings, with the south and west of the site lined with mixed native treelines containing species such as oak, ash, field maple and sycamore, and the eastern boundary lined with a hedge.

There are no TPO trees or ancient woodland on the site, and therefore the development proposal is in compliance with ALP Policy ENV DM4. In addition, no tree removal is required for the proposals with a very small section of ornamental beech hedgerow being removed. The hedge does not provide significant connectivity or visual amenity and its loss will be compensated for through the planting of new trees and native shrubs proposed through the landscape scheme.

The buildings have been sited to avoid RPAs and allow trees room to grow further. The existing vegetation of note is largely to the boundaries, tree RPAs and canopies will be protected through the use of tree protective barriers and this will be secured by condition.

The proposal is in accordance with Local Plan Policy ENV DM4, BENDP policy ES10 and ANDP Policy EH6 as the development will not result in the loss of trees or hedgerows with amenity or historic value, and the minor loss of hedgerow will be mitigated through the landscape proposal.

HIGHWAYS IMPACT AND PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network, contributes to highway improvements (where appropriate) and promotes sustainable transport. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

BENDP policy GA4 states that development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes. Policy GA3 states that proposals must provide adequate parking in accordance with the standards adopted at the time.

The comments of WSCC Highways are set out in full on the Councils website and summarised elsewhere in this report. They raise no objections and state no unacceptable impact on highway safety.

A Transport Note accompanies the submission, which demonstrates that the proposed development will not have a significant impact on the operation, safety or capacity of the local highway network.

The assessment of trip rates for the site concludes that the development of 3 units will result in 1 additional trip in both the AM and PM peaks, with 14 trips generated over a 12-hour period. This is modest and can be absorbed onto the local highway network due to the strategic nature of surrounding highways.

The site is shown as being accessed through an extension to the internal road provided as part of the consented 42-unit scheme to the north.

The proposal shows that the main access into the site, from Fontwell Avenue, would be maintained via the consented ghost island right turn lane junction. The access design is a 6m wide bell mouth arrangement with radii of 9m. The carriageway on Fontwell Avenue will be widened to allow for the creation of a 3m wide right turn lane.

The internal roads in the development site are shown as a shared surface/private drive arrangement, which would connect onto the footway associated with the consented 7- unit scheme to the north.

Pedestrians would also benefit from existing footways and pedestrian crossing points within the consented 42-unit scheme to the north which provide access onto Fontwell Avenue. Pedestrians from the proposed development would also benefit from the formal pedestrian crossing point (dropped kerbs, tactile paving, and pedestrian refuge island) being delivered as part of the consented 42-unit scheme's access works. This ensures that users of the proposed development have safe access onto Fontwell Avenue and the wider pedestrian network.

In accordance with the Council's Parking Standards SPD, each dwelling includes 2 allocated car parking spaces, with the provision of 1 additional visitor space, resulting in a total of 7 car parking spaces on the application site. Each dwelling will also have the capacity for 1 electric vehicle charging point which can be secured by condition. In line with BENDP GA4, all the spaces are provided as off-street parking. The application advises that in accordance with the SPD requirements, 2 cycle spaces per dwelling will be provided in the rear of each garden.

Therefore, the proposal accords with relevant development plan policies and NPPF guidance in terms of parking provision and highways impact.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. Policy M9 (b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

WSCC Minerals & Waste have advised that mineral sterilisation will inevitably occur at the site as a result of the development, but they broadly agree with the findings within the Mineral Resource Assessment that has been submitted with the application given that prior extraction at the site would not be practical or economically feasible. They have therefore raised no objection to the proposal and encourage the applicant to consider the use of locally extracted mineral within the proposed development where it makes sense to do so.

It is material that there is a need for new housing to counter the Council's current HLS deficit. However, there is no conflict with policy M9 of the West Sussex Joint Minerals Local Plan.

WASTE SAFEGUARDING

The site is within 300m of a safeguarded scrap vehicle waste site defined by the West Sussex Waste Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The site is in use as a car salvage centre. The application site is a significant distance away and there are other uses in between. WSCC Minerals and Waste advise no impact on the waste site and therefore raise no objections. As such there would be no conflict with this policy W2 of the West Sussex Waste Local Plan.

BIODIVERSITY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

BENDP policy ES15 seeks to protect biodiversity corridors from new development. It lists the length of Fontwell Avenue as such a corridor and requires assessment for sites adjacent to this. It states

proposals should result in a 10% biodiversity net gain (BNG). Policy ES17 requires assessment of proposals on foraging habitat and commuting flight lines qualifying bat species in the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC).

ANDP policy EH12 2019 states proposals for development of greenfield sites must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines. Policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate BNG.

Ecological Assessment work which accompanies the submission concludes that the site is formed of common, widespread habitats of low ecological value. Floral diversity in general was very low, with the bulk of the site dominated by heavily grazed improved grassland. No protected species were recorded utilising the site, however the mature vegetation to the western boundary is likely to be utilised by common light-tolerant bat species.

The buildings currently on the site contain a number of bird nests, and a barn owl nest box was noted to one building, although no evidence was noted at ground level to suggest this is in use. The submission advises that all nests will be removed outside of the bird nesting season or following a check to ensure the nests are not in use. The barn owl box will be removed following an inspection and walkover of the entire site outside of the nesting season, to ensure it is not in use. The box will then be relocated to a nearby suitable tree.

A range of ecological enhancements are also suggested in the submission. The Council's Ecologist has assessed the submitted information and concluded that subject to the imposition of conditions, there is no objection to the proposal on ecological grounds.

In terms of BNG, a statement has been submitted which concludes that the proposal would result in a loss of 0.02 habitat units of modified grassland (a 'Low' distinctiveness habitat). To achieve a 10% gain and to satisfy the trading rules, it is calculated that 0.07 habitat units of grassland habitat will be required. BNG credits can be purchased to provide compensation for the loss calculated on site. The applicant has committed to secure a financial contribution for BNG credits through the Environment Bank or UK Gov. These will go toward achieving off-site net gain and the requirement can be secured via condition along with other biodiversity enhancement requirements.

Given the sites proximity to the SAC it has been necessary to undertake an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Conditions have been incorporated as part of this recommendation which the Council view to be acceptable to overcome any unacceptable impacts upon the conservation objectives of the SAC. However, the AA assesses the suitability of the avoidance and mitigation measures and has been the subject of consultation with Natural England. Consultation has been undertaken with Natural England on the AA and no objection has been raised to the conclusions of the assessment. Therefore, the proposal would accord with policy ES17 of the Barnham and Eastergate Neighbourhood Development Plan (BENDP).

Through the provision of appropriate mitigation, compensation and enhancements, there will be no significant effects upon any habitats or protected species within or adjacent to the site. Subject to conditions and the conclusion of the AA process, the development would accord with Arun Local Plan policies ENV SP1 and ENV DM1, BENDP and ANDP policies and paragraph 174 of the NPPF.

FLOODING & SURFACE WATER DRAINAGE

The site is not affected by any current or future flooding from rivers/sea and is in Flood Zone 1. ALP

policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. BENDP policy ES1 states that drainage can be left to a condition as long as it is demonstrated that there will be no net increase in surface water run-off from the application site as a result of the development. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

The Council Drainage Engineers raises no objection, but comments that the applicant has supplied a flood risk assessment and drainage strategy, plus a drainage layout which do not meet ADC design requirements. These cannot therefore be included as approved documents, and such details need to be secured through conditioned.

On this basis, subject to the imposition of conditions, there is no conflict with the relevant development plan policies.

FOUL DRAINAGE

ALP policy W DM1 states that all developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Sites in the Lidsey Catchment Area must be accompanied by a Drainage Impact Assessment.

The submission advises that it is proposed to drain the site to an existing Southern Water foul sewer and the development is expected to generate approximately 2,250 litres per day of wastewater equating to an average run-off rate of 0.026 l/s. This is not significant given the size of the catchment and Southern Water raise no objections. Therefore, the development does not conflict with policy W DM1.

CLIMATE CHANGE

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. BENDP policy ES11 is also relevant.

The application includes a Sustainability Statement which states the proposal will minimise internal water consumption to 105 litres per person per day, reduce surface water runoff rates through the use of sustainable drainage measures, minimise energy demand through the specification of low U-values, low air permeability & low thermal bridging to reduce heat loss; and utilise air source heat pump technology to serve the heating demands of the proposed dwellings.

A condition will be imposed to ensure the dwellings incorporate decentralised, renewable and low carbon energy supply systems. A condition is included to require electric vehicle charge points. On this basis, there would be no conflict with the relevant development plan policies.

CIL / AFFORDABLE HOUSING

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. This development would be liable for CIL and as such would accord with the requirements of INF SP1.

Policy AH SP2 requires developments of 11 units or more to provide 30% on-site affordable housing. The development proposal is for three dwellings; therefore, the scheme is not required to provide onsite affordable housing. When combined with the site to the north, which is for the development of 7 dwellings, the total number of dwellings would be 10, which is also below the threshold to provide on-site affordable housing.

SUMMARY

The principle of development on this countryside site is in conflict with the ALP and the Neighbourhood plans. Owing to the lack of 5 year housing land supply, the application falls to be determined by the Paragraph 11 NPPF presumption in favour of sustainable development.

As identified in this report, the proposal represents sustainable development and is acceptable with regard to visual, amenity, highways and all other impacts. Additionally, it will make a small contribution to the housing land supply shortfall along with other economic benefits. The adverse impacts of its location outside of a built up area does not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The proposal is therefore 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 is liable for CIL.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

3 Units Drg 22079-PA-001
3 Units. Drg 22079-PL-2-01 Rev A
Building Heights Dwg No 22079-PL-2-58 Rev A
Parking and Bins Dwg No 22079-PL-2-57 Rev A
Boundary Materials Dwg No 22079-PL-2-56 Rev A
Building Materials Dwg No 22079-PL-2-55 Rev A
Bedrooms Dwg No 22079-PL-2-54 Rev A
Proposed Site Layout Dwg No 22079-PL-2-52 Rev A
Combined Hard and Soft Landscape Plan Dwg No DD594L02 Rev C
Tree Constraints Plan Dwg No LLD2494-ARB-DWG-001 Rev 01
Location Plan Dwg No 22079-PL-2-51
3BC+-3Bed Semi Detached Floor Plans and Elevations Dwg No 22079-PL-HT-3BC+SD
3BC+ 3Bed Detached Floor Plans and Elevations Dwg No 22079-PL-HT-3BC+D
Indicative Streetscene Dwg No 22079-PL-5-51
Bike Store Photo and Specification
Materials Specification
Landscape Management Plan Ref DD594R02
Existing Tree Schedule Ref LLD2494-ARB-SCH-001 Rev 01
Arboricultural Impact Assessment and Method Statement Rev 00
Transport Note Ref 108.0016/TN/1
Assessment of Road Traffic Noise Ref P21-273-R04v2
Ecological Impact Assessment
Ecology, Tree Protection Fencing, Site Preparation & Clearance and Habitat Management & Enhancement
Addendum to Preliminary Ecological Appraisal Survey

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

- 3 All works shall be carried out in accordance with measures detailed in the Arboricultural Impact Assessment and Method Statement November 2022.

Reasons: To ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground in accordance with ENV DM4 of the Arun Local Plan.

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

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 it is necessary to undertake archaeological investigation prior to commencing any building works.

- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard, November 2021) and Addendum to Preliminary Ecological Appraisal Survey (Lizard, November 2022). 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 LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and in accordance with Local Plan policy ENV SP1.

- 6 Prior to commencement of development, a Barn Owl Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Barn Owls during the construction phase.

All works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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 & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Local Plan policy ENV SP1. This is required to be a pre-commencement condition because it is necessary to ensure the development would not adversely impact Barn Owls prior to commencing any building works.

- 7 Prior to commencement of works above damp proof 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. This shall demonstrate a Biodiversity net gain of 10%.

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 product 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).

Where a shortfall of 10% Biodiversity Net Gain is subsequently demonstrated and cannot be attained through the above methods, confirmation of the purchase of Biodiversity Net Gain (BNG) credits through the Environment Bank or UK Gov to provide compensation for the loss.

The works shall be implemented in accordance with the approved details 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 Natural Environment and

Rural Communities Act 2006 (Priority habitats & species) and in accordance with Local Plan policy ENV SP1 and Barnham and Eastergate Neighbourhood Plan policy ES15. This is required to be a pre-commencement condition because it is necessary to establish how the Biodiversity Net Gain requirements will be achieved prior to commencing any building works.

- 8 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 guidance provided by 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

- 9 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved parking plan 22079-PL-2-57 Rev A. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 10 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in the rear garden of the dwellings.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 11 The development shall only be carried out in accordance with the materials details in the submitted and approved materials schedule, unless otherwise approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity, heritage and local character in accordance with policies D DM1 of the Arun Local Plan.

- 12 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 13 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 (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 14 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 Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include 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 report, and for the reporting of this 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. This is required to be a pre-commencement condition because it is necessary to ensure that appropriate measures for managing contamination are established prior to commencing any building works.

- 15 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.

- 16 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive 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 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. This is required to be a pre-commencement condition because it is necessary to establish the required infrastructure prior to commencing any building works.

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

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

- 18 No external lighting shall be installed on site until a "lighting design strategy for biodiversity" to ensure no light spill upon boundary features such as hedgerows and trees has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through 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 the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the

local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and in accordance with Local Plan policy ENV SP1.

- 19 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.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 20 Prior to the commencement of development, the following details shall be submitted to and approved by the Local Planning Authority:

1.The proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the fire hydrant shall be installed as per the approved details and connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

Reason: As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. This is required to be a pre-commencement condition because it is necessary to implement infrastructure to support these measures alongside any building works.

- 21 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 policies ECC SP1 and W DM1 of the Arun Local Plan.

- 22 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 23 INFORMATIVE: A formal application for connection to the public sewerage system is required in

order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 24 **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-riskassessments-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'.

- 25 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

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

- 27 **INFORMATIVE:** A formal application for connection to the public sewerage system is required

in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

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)

AL/102/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/39/23/PL

LOCATION: Land west of Brook Lane and South of A259
Angmering
BN16 3JL

PROPOSAL: Demolition of existing structures on site and the erection of an employment park for Use Class E(g)(ii) and B8 floorspace with ancillary offices and structures, delivering the enabling works phase, public right of way diversion, associated access, reptile re-location, drainage and landscaping scheme, followed by the delivery of each development parcel via severable phases. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the erection of a purpose-built employment park with ancillary officers, and associated access arrangement. The proposed development seeks the erection of 6 no. buildings comprising 18 no. employment units which vary in size, to be used as Use Class E(g)(ii) - Research and Development of Products or Processes and Use Class B8 - Storage or distribution.

The proposal also includes the demolition of existing structures on site, the diversion of the existing rights of way, reptile re-location, and the erection of 2 no. substations to support the infrastructure requirements, together with associated access, drainage and landscaping.

SITE AREA 4.35 ha

TOPOGRAPHY The topography of the site is generally flat and is at a lower level than the A259 to the north of the site and lower than Mill Lane to the east.

BOUNDARY TREATMENT The site is bounded to the east by Brook Lane and to the west by the A259. There are trees of varying size along the site boundaries.

SITE CHARACTERISTICS The site is defined by the A259 bypass to the north and railway line to the south. The site is serviced by a single, left-in/left-out access from the A259 leading to Brook Lane, which becomes Penfold Lane as it progresses further into the site. This single track provides access to an existing dwelling and associated outbuildings that are located on the northern boundary.

A Public Right of Way runs through the site, providing access across the railway line. The site currently contains a small, portal-framed agricultural unit on the northern boundary, which

is adjacent to Footpath 2160.

CHARACTER OF LOCALITY

The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail Park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/46/18/RES	Approval of reserved matters following outline consent A/169/17/OUT for access. This application also lies within the parishes of Littlehampton & Rustington.	Refused 07-02-19
		Appeal: Allowed+Conditions 09-09-19

The site forms part of a wider scheme where outline planning permission was allowed at appeal (Planning ref: A/44/17/OUT and appeal ref: /APP/3810/W/17/315128) for the erection of a mixed use development comprising up to 90 no. residential dwellings and a care home. (Use Class C2 and C3) together with ancillary facilities.

Reserved Matters of appearance, landscaping, layout and scale were approved under application reference A/26/21/RES (November 2021). This application is currently extant and could be implemented.

REPRESENTATIONS

ANGMERING PARISH COUNCIL - APC feels that this proposal is better than previous applications and will fulfil the much needed employment sites and opportunities within the District. However, it feels that there is a much needed highways link within the entire employment site from the BMW dealership to this proposed site for HGV and other motor vehicles activity.

APC note, "In the interest of safety, a through link for cyclists and pedestrians from Sainsbury to this site must also be considered, there is no footpath along the A259. This site can also be accessed by pedestrians as there is a public transport link to Sainsbury.

These links will ease the pressure on a very busy A259 but the design of the entrance into this site must be reconsidered so that there is no queuing off or onto the A259 and that vehicles can leave the site in safety without impeding the flow of A259 traffic. Access to this site across the main Angmering to Littlehampton rail line must be considered for cyclists and pedestrians coming from the parishes south of the site.

Consideration of this link and the crossing of the rail line will have a good impact on the economy of that area, the Parish and District and enable a safer access for those residents south of the rail line".

As this site is within the parish of Angmering APC feels that all CIL and S106 monies accrued must benefit the parish of Angmering and be not diverted elsewhere.

The Parish Council also note, consideration must be paid to the nature of this site and that design must incorporate an area to encourage nature and wildlife together with a SuDs or Pond to capture any

flooding that may from time to time occur.

LITTLEHAMPTON TOWN COUNCIL - Acknowledge that this would also boost employment opportunities' locally, the proposed business park was viewed as preferable to the residential/care home development previously proposed. Members wished to be assured that the arrangements for commercial traffic merging with the A259 were sufficient to allow for safe use by all vehicles entering and exiting the site. Members also consider that the site could be vulnerable outside of business hours and therefore also wished to be assured that measures would be put in place to protect against antisocial driving and security breaches. Therefore, subject to receiving assurances on these points the committee had no objection to the Plans.

14 representations have been received, these have been categorised and summarised as below:

Level Crossing/ROW

- In the previous application the dangerous pedestrian level crossing for the public right of way across the railway line was going to be replaced by a footbridge. This seems to have been deleted from the latest application.
- The public not only have to navigate across a railway line but also have to cross the increasingly busy A259 at a point where visibility is poor, both for the pedestrian and the drivers. This application now adds to the problem of negotiating through and 'employment' park with unattractive industrial buildings and increased traffic possibly including lorries.
- The most obvious route from the most populated area as is from the Worthing Road down a muddy track and over a basic ungated crossing over the railway. Any intensification of the use of that crossing needs a footbridge to be installed to ensure peoples safety.
- There is the Network Rail objection due to viable safety concerns around an established crossing point that exists on this land, that cannot be moved, nor its use changed.

Highway

- The stretch of the A259 alongside this site is presently 70mph. A new junction is planned for entrance and exit at the fastest point of the road. The speed limit probably needs reassessment.
- With no contribution to improve or contribute to improving the local road infrastructure this cannot go ahead. The recent works in Littlehampton have already been a failure with the bottleneck of traffic at the roundabouts and adding more cars in the area will gridlock all the roads.

Archaeological

- The desk top archaeological report shows that the ground had neither been built on nor investigated and as such the possibility of there being Bronze Age, Iron Age or Roman archaeological material is high. Such material could tell us a great deal about the history of this area and should not be disregarded.

Contamination/Flooding

- The area of ground is contaminated and floods. There is more than enough building work going on in this area.
- There isn't the infrastructure to accommodate this. There is far too much pollution and traffic in the area now.
- There is a considerable increase in light and noise pollution now.
- The area has been more or less water meadows and has often flooded, it is fit only for pasture not for housing or industrial use.
- Dramatically destabilising a natural flood plain, in an area with crucial need of the existing flood plain imminent flash flooding with large rood area catchment discharge.

Ecology

- Will be carving up more greenspace and getting rid of more trees and local wildlife.
- There are some ecological rich parts of this site and the site also plays an important role in absorbing rainfall. These issues need proper attention.
- The proper protection of watercourses from any industrial contamination needs proper consideration.
- No more wildlife should suffer when the proposal is inadequate and doesn't contribute but hinders the local people.
- Stop building on green spaces, there is already not enough trees or spaces for wildlife.
- This would destroy a natural area providing habitats for various bird and animal species.
- We have lots of wildlife and birds of prey who live/nest on this green space as so few spaces like this exist now.
- The loss of the natural wildlife environment, small birds and insect decline. bat flight feeding areas lost.

Employment

- Important to assess the need given the employment land which has been and will be built out as part of the Local Plan on the North Littlehampton development.
- The development is not needed and its use as a retail park would be surplus to local requirements the developers owning the current land either side of the proposal does not validate its need.
- There is an already established site along the A259 within a mile radius that has many empty industrial/warehouse/retail units that cannot be filled. If the developers claims of employment and need were valid then these already established units would not be vacant. This is also the case that numerous vacant retail/industrial units exist at established parks within two other areas of Littlehampton.
- There are enough units on our estates already empty. Our open spaces are disappearing so fast and soon there will be none left for our children and grandchildren to enjoy.
- Why build more office space when you have a large old empty Waitrose in Littlehampton and same again at Morrison those could be office spaces with lots of car parking spaces.

Amenity

- It is highly unsuitable to propose a sports/leisure venue of other uses providing unsociable hours as this site borders established residential housing and will also be adjacent to the recently agreed proposed developers care home and new housing.
- Need some space to walk and enjoy but everywhere you go not in this area they are building with no infrastructure.
- Overbearing 14m warehouses obscuring views of the South Downs.
- As many properties of parklands overlook this field the construction of commercial properties would significantly reduce the value of said properties of this prestigious Hargreaves development.

Noise

- It would increase noise and traffic in an area that is already suffering from noise and traffic volumes.
- It is imperative to understand that the existing housing on this perimeter is different to most as it consists of 3 floor residential town houses and no amount of proposed screening or noise reduction measures and reduce this impact as these houses have an elevated aerial view. For this reason alone, a retail park should never be granted planning permission here, additional housing may be an option but not a retail park.
- There is already a large amount of noise pollution from the main road and with additional building work and then industrial units of this size placed there, will cause long term problems for the families who live opposite.
- Industrialising a peaceful residential development, with increased commercial vehicular traffic. Warehouse operational pollution of noise (forklifts operating at all hours, vehicles arriving/leaving operatives shouting) and flood lighting.

Other matters

- The over development of Rustington is evident from the strain on road networks, hospitals dentists,

schools and other public government resources in the locality. To agree a retail site would only add to this pressure of increased footfall when currently resources already cannot cope especially at peak tourism times.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ARCHAEOLOGY ADVISOR - Conditions required.

Agree with the findings and conclusions of the archaeological desk-based assessment with regard to the potential impact of this proposal on deposits of interest. It is also agreed that the archaeological presence should be evaluated through a programme of geophysical survey and targeted trial trenching in advance of development in order to identify significant deposits that might be present and to enable the implementation of appropriate measures for their preservation, i.e. either in-situ or through further investigation, recording and publication. This process would be best secured following the imposition of an appropriate condition.

ECOLOGY - Conditions required.

Initial comments raised an objection to the proposal, due to insufficient ecological information on European Protected Species (bats) and Protected Species (reptiles and water voles). In response, updated ecology reports were submitted. No objection is now raised subject to securing biodiversity mitigation and enhancement measures secured by condition.

ECONOMIC DEVELOPMENT: No objection.

Economic Development are aware of the shortage of suitable units to allow existing companies based in the area to expand or new businesses to locate. This scheme provides a range of units of varying sizes which would allow both growth and inward investment, in turn, providing and protecting employment for local people. Arun's Economic Strategy seeks to protect local jobs as well as encouraging inward investment. On the basis that this application does both Economic Development are in support.

ENVIRONMENTAL HEALTH - No objections to this application in principle subject to conditions.

DRAINAGE - Holding objection.

Further information required from the applicant to be provided on how the risk of surface water flooding will be mitigated and managed ensuring the indicated surface water flooding does not impose any risk on the proposed development or the surrounding areas. Additional information has been submitted and a consultation response is awaited.

NATURAL ENGLAND - Comments received - No comments to make on this application.

NATIONAL HIGHWAYS - No objection.

Initial comments raised concerns that the proposal could have potential to impact on the safe and efficient operation of the SRN, in this case within the vicinity of the A27 near Angmering. Following the submission of additional information - no objection is raised to the proposal.

NETWORK RAIL - No objection.

Following review of the proposal concerns were raised in regard to drainage and in regard to the Level

Crossing. In regard to Drainage the following concerns need to be addressed:

1. Capacity Assessment for Ditch
2. Anticipated Surface Runoff
3. Attenuation Ponds
4. Exceedance Route.

It is also considered that the proposal is likely to increase the use of Brook Lane footpath level crossing consequently increasing the risk to the public and operational railway. The applicant should provide the details of how many employees and customer this development will cater for.

Additional information has been submitted in regard to drainage. Network Rail drainage team have reviewed the additional documents and have no concerns related to the drainage matter. In regard to the Brook Lane Level Crossing, whilst no raising an objection per se, confirm as a result, it is expected that the proposed development will increase the use of the crossing and consequently the risk to public and operational railway

PARKS AND LANDSCAPE - No objection.

Initially it was noted that application has not provided the detail of landscape proposals which would be a requirement of any submission in order to show greening and potential screening. The proposed landscape scheme will be required to be submitted in plan form detailing species choice, quantities, planting densities and size at time of planting. Following the submission of further information, the biodiversity enhancements and landscape details are suitable and sufficient in detail and would not require the condition of further details.

SOUTH DOWN NATIONAL PARK - No objection.

Given that the development site is located some distance from the SDNP and is on the south side of the A259, no comment is raised on the principle of the proposal. However, if the Council is minded to granted consent, it is recommend that consideration be given to the International Dark Night Skies Reserve and dark night skies, which are a special quality of the National Park.

SOUTHERN WATER - No objection.

The supporting documents make reference to drainage using SUDs. The initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

SUSSEX POLICE - No objection.

Comments offered in regard to: CCTV, the installation of an intruder alarm, cycle storage, parking areas and ground planting.

WSCC- HIGHWAYS - No objection subject to condition.

Initial comments requested more information in regard to: off site cycle link connectivity including drawings; on site PROW widths and cycle usage across the site and Minor amendment to travel plan. Additional information was provided to address items raised. No objection raised subject to conditions.

WSCC - PUBLIC RIGHT OF WAY - No objection.

Initial comments raised an objection/more information, in regard to Footpath 2159 and Footpath P2160. Additional information was provided. Given the industrialisation of the site and both paths are to remain footpaths, the surface treatment. "SF4 Standard Asphalt surfacing colour standard block/grey" is acceptable. This treatment will apply to the full length of both PROWs within the site. The widths of both may be set at 2 metres as long as the management plan is in place to ensure vegetation does not

encroach upon that width.

WSSC - LOCAL LEAD FLOOR AUTHORITY - No objection subject to conditions.

An initial objection was raised in the absence of an acceptable FRA & Drainage Strategy because it was not in accordance with the NPPF, PPG Flood risk and coastal change or local policies. Additional information was provided to address the concerns raised. The LLFA are satisfied that the applicant has sufficiently addressed the requirements and is in accordance with NPPF and local planning policy, therefore no objection is raised subject to conditions.

WSSC FIRE AND RESCUE - No objection subject to a condition in regard to fire hydrants.

WSSC MINERALS AND WASTE - No objection.

COMMENTS ON CONSULTATION RESPONSES:

In regard to trees, the Council's tree officer raised no objection at outline stage subject to conditions. This application proposes no significant changes in regard to trees to warrant coming to a different conclusion.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside
HERDM4	HER DM4 Areas of Character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
DSP1	D SP1 Design
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
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
LANDM1	LAN DM1 Protection of landscape character
QEDM3	QE DM3 Air Pollution
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
TDM2	T DM2 Public Parking

WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

[Angmering Neighbourhood Plan 2014 POLICY EH2](#) Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

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

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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The application site lies within the defined settlement boundary as shown within the Arun Local Plan and therefore commercial development would be acceptable in principle subject to other development plan policies being met.

In addition, the principle of development at this site was established through the grant of outline planning permission, allowed at appeal (Planning ref: A/44/17/OUT and appeal ref: /APP/3810/W/17/315128) for the erection of a mixed-use development comprising up to 90 no. residential dwellings and a care home. (Use Class C2 and C3 together with ancillary facilities).

Reserved Matters of appearance, landscaping, layout, and scale were subsequently approved under application reference A/26/21/RES (November 2021) as such this application is currently extant and could be implemented until 30 November 2023.

EMPLOYMENT

Arun Local Plan Policy EMP SP1 (Strategic Economic Growth) highlights the Council, with partners, will promote the sustainable growth of the Districts economy to meet the varying needs of different economic sectors. Angmering Neighbourhood Plan Policy ER2 (Local Employment) seeks to protect against the loss of employment uses, noting there is an identified lack of available and suitable employment within the Parish.

The proposal relates to the provision of a purpose-built employment park, totalling 9,316 sqm of commercial floorspace, comprising 18 employment units located between 6 buildings of varying sizes together with associated ancillary office areas situated at the first-floor level of the units. The employment units vary in size, ranging from 151 sqm to 3,055 sqm falling within Use Class E(g) (ii) (Research and Development of products or processes) and Class B8 (Storage and Distribution) uses.

The proposal provides additional employment opportunities and is an appropriate use for the site in accordance with employment policies. The scheme seeks to meet the requirements for small and medium sized business by providing a range of unit sizes, which facilitates opportunities for business start-ups as well as the expansion of existing businesses.

Commercial development has taken place to the east of the site up to Mill Lane within the same corridor between the A259 and railway line and industrial uses exist to the southeast of the site on the south side of the railway line at Rustington Trading Estate, Dominion Way. Therefore, the proposed development will not have an unacceptably adverse impact on the established character of the area and particularly the area immediately located to the east of the site. It is therefore considered that the principle of development on this site meets the policy objectives of policies EMP SP1, EMP DM1 and SKILLS SP1, and it is a suitable location for employment uses.

The proposal would also comply with Paragraph 81 of the NPPF (2023) which states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

PHASING OF THE DEVELOPMENT

The application is accompanied by a phasing plan (Drawing no 3712-SRA-XX-XX-D-A-PL-109 P5). This identifies 5 phases of works. Phases 1 - 4 sets out pre commencement works prior to Phase 5 which sets out the order for the construction of each unit.

Phase 1 - Enabling Works: - This involves the demolition of the existing structures and site clearance, together with (but not limited to) works of investigation in respect of land contamination and archaeology together with boundary landscaping works.

Phase 2 - Main Infrastructure Works: - These are works to Brook Lane North site access from A259.

Phase 3 - Main Infrastructure Works South: - These involves a balancing pond and associated landscaping; footpaths connection to railway crossing; electrical substation and pump station; and reptile relocation zone.

Phase 4 - PRow Alteration: - Alterations to the section of existing public right of way traversing Brook Lane Plot. The PRow to the east will remain in situ until the commencement of the relevant plot.

Phase 5 - Severable Construction Phases:

- Brook Lane Plot: East - Units 1 - 5
- Penfold Lane Plot: North - Unit 6
- Penfold Lane Plot: South-East - Unit 7
- Penfold Lane Plot: South - Unit 8a, 8b, 9a & 9b
- Penfold Lane West Plot: South-West - Units 10a, 10b, 10c, 10d, 10e, & 10f
- Penfold Lane West Plot: West Infrastructure
- Penfold Lane West Plot: West - Unit 11.

No objections are raised to the comprehensive phasing plan.

LAYOUT, APPEARANCE AND SCALE

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

The height of the buildings range between 12.6 metres to 14.7 metres from finished floor level, which would be an appropriate height in this location. The elevations would generally incorporate light metal cladding with proposed use of accent colours/timber for elevational definition and curtain walling to define entrances which would be in keeping with other units in the area.

It is noted that the proposal utilises existing site levels, the larger units to the west and north are positioned lower within the site to improve visual impact and perception from beyond the site. The smaller units with flexibility for B8/ R&D E(g)(ii) use are located closer to the entrance, whilst the two larger units designated for B8 use are set further back within the site against landscaping.

The overall density is lower than some surrounding developments which gives opportunity to benefit from retaining and enhancing the existing areas of hedging and trees.

The proposed warehouse building will be fully clad in dark grey vertically laid panels and curtain walling with contrasting light green cladding panels, to provide horizontal detailing to break up the elevations. The location of the ancillary offices to the front facade of each unit enhances the appearance and view of the units from Penfold Lane, improving legibility of the unit and providing a safe route of access for staff and

visitors.

It is clear that the site layout has been influenced by the existing site analysis and site constraints have been retained and incorporated into the proposals. These general design principles are supported and are in accordance with the guidance within Arun Design Guide.

The design, elevational treatment and layout of the scheme proposed would be appropriate in this location. The height and separation and positioning of the units combined with the retained and proposed landscaping would mean that the units would not be overly prominent or obtrusive in their setting. The proposal would therefore be acceptable in accordance with policies D SP1 and D DM1 in this respect.

LANDSCAPE AND TREES

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

Arun Local Plan policy ENV DM4 (Trees) highlights that where there are existing trees on or adjacent to a development site, developers will be required to provide a land and tree survey, a tree constraints plan, and an Arboricultural impact assessment (including a tree protection plan and Arboricultural method statement). Angmering Neighbourhood Plan Policy EH6 (Protection of Trees and Hedgerows) states development that damages or results in the loss of trees of Arboricultural and amenity value or loss of hedgerows and/or priority habitat, or which significantly damages ecological networks will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss.

As noted in the Reserved Matters report (A/26/21/RES) there are no TPO or ancient trees in the site. The majority of trees and hedges to boundaries will be retained and enhanced with further planting set out in the landscaping strategy. The existing trees provide an additional landscape buffer to the north, clearly separating the site from the A259.

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

The application is accompanied by an Arboricultural report, together with landscape layout drawings and details. The Landscape layout shows the retention of existing wooded boundaries, enhanced for biodiversity and habitat connectivity and visual screening of the development. New tree planting is proposed totalling 174 new trees and native scrub and hedgerow species are proposed throughout the site and around the boundaries of the site, these contribute to achieving a Biodiversity Net Gain across the site which is addressed later in the report. Two new balancing ponds are also proposed in the south-east corner of the site to form part of the overall drainage strategy for the site.

The Council's Landscape Officer initially raised some concerns with regard to the landscaping proposed. It was noted that the indicative layouts showed the unit to the east of the existing residential property, the large unit to the east/southern boundary aspect and the access road to the southern boundary to be relatively close, the incorporation of a wider buffer zone in this location was advised. With the Council's Landscape Officer concluding that the submission of detailed landscape proposals is required. Following the submission of further details, the Council's Landscape Officer concur the landscape details submitted is comprehensive and details a well-thought-out scheme with keen consideration of biodiversity requirements. It was however, noted that the planting schedule remains unclear in a couple of areas.

These being:

- The proposed native hedge mix is shown on the schedule only as a lump sum of species for the whole site. The sections of hedge to which this applies needs to be shown on the Planting plans 1 - 4 of 4 with the quantities (and not just %) for each area shown.
- The proposed ornamental hedge planting relates to the Escallonia Laevis again this needs to be detailed on plan with quantities show in each section.
- Rain Garden species details percentage mix only (on the plant schedule and no quants on the planting plans) and needs to be shown on plan with quantities of each in the locations shown (Sunny/part shade).

The Council's Landscape Officer concluded subject to these minor alterations the landscaping detail submitted is suitable for the location, sufficient in detail and would not require a condition for the submission of further information. Updated plans were submitted (13 September 2023) which addressed these minor alterations on this basis the proposal would accord with policies ENV DM4 and EH6 and Angmering Neighbourhood Plan Policy HD5.

BIODIVERSITY AND ECOLOGY

The site is part of a wider Biodiversity Opportunity Area. The land to the east of the site, beyond the railway line, is an allocated Biodiversity Corridor. Policy ENV DM3 of Arun Local Plan requires development in these areas to retain and sympathetically incorporate locally valued and important habitats and wildlife corridors and be designed to minimise disturbance to habitats. Angmering Neighbourhood Plan Policy EH2 sets out that new development immediately adjacent to the Biodiversity Corridors will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors.

Arun Local Plan Policy ENV DM5 requires development schemes to achieve a net gain in biodiversity and protect existing habitats on site and incorporate elements of biodiversity such as hedgehog, bat, and bird boxes, as well as landscape features, minimising adverse impacts on existing habitats. Provided these are incorporated the scheme and up to date surveys are submitted it is likely the proposal would be compliant with these policy requirements.

In accordance with ENV DM5, a Biodiversity Net Gain Statement has been submitted with the application. The Council's Ecologist is satisfied the assessment demonstrates the proposals are estimated to result in a net gain in Habitat Units and Linear Units and the assessment has been carried out using the latest metric 4.0. It is estimated that the proposal will result in a net gain of 11.47% Habitat Units and 51.51% Linear Unit. The Biodiversity Net Gain will be secured within a Landscape and Ecological Management Plan (LEMP), which covers a 30-year period, secured by condition.

Concerns were initially raised in regard to the submitted ecological information in terms of bats, reptiles and water voles which had not been addressed. Following the receipt of additional information, the Council's Ecologist confirmed the updated water vole and reptile surveys are acceptable together with the Ecology Technical note in regard to the trees and bat roots potential. However, a bat survey of the existing buildings was still outstanding and required as the buildings are to be demolished. Following the receipt of the additional survey the Council's Ecologist confirms that they are now satisfied that there is sufficient ecological information available for determination of the application raising no objection to the proposal subject to five conditions these being:

- 1 - Action required in accordance with ecological appraisal recommendations;
- 2 - Prior to commencement: construction environmental management plan for biodiversity;
- 3 - Prior to commencement: landscape and ecology management plan;
- 4 - Prior to any works above slab level: Biodiversity enhancement strategy; and
- 5 - Prior to beneficial use: Wildlife sensitive lighting design scheme.

The proposal is in accordance with Arun Local Plan Policies ENV DM3, ENV DM5 and Angmering Neighbourhood Plan Policy EH2.

AMENITY

Arun Local Plan Policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure there is no negative impact on residential amenity. It is also necessary to have regard to paragraph 130 of the NPPF.

Arun Local Plan Policy QE DM1 outlines that for new noise generating development, the Council will require a noise report which provides accurate information about the existing noise environment, and the likely impact of the proposed development upon the noise environment. The report must also demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex, and any mitigation measures required to ensure noise is managed to an acceptable level.

The application is accompanied by a number of supporting technical documents, noise impact, air quality, and lighting. At present noise emitted from the A259 is partially screened by the existing landscape buffer to the north. Due to the location of the buildings along this boundary, the development will act as a further acoustic barrier, improving the ambient noise levels for the neighbouring residential development.

A noise assessment accompanies the application, this concludes that there is unlikely to be any building damage to the proposed commercial units associated with vibration from the adjacent railway line. Noise from the construction phase has the potential to be above fixed limits, therefore a Construction Environmental Management Plan (CEMP) is proposed which is predicated to ensure that noise levels associated with the construction phase are below the fixed noise limit criteria at nearby residential receptors.

The Council's Environmental Health Officer in regard to noise initially raised some concerns/questions, these related to the two proposed substations on site and the need for these to be considered within the noise assessment; the requirement for a Construction Environmental Management Plan (CEMP); details of the building services plant proposed and further details on the acoustic barrier. Following receipt of a noise technical response note, the Council's Environmental Health Officer raises no objection in regard to this element subject to conditions. Those conditions seek noise details, including acoustic specification of all fixed plant machinery and equipment associated with buildings services plant and details prior to commencement on the acoustic barrier to be erected along a section of the southern boundary of the development site.

Arun Local Plan policy QE DM2 refers to light pollution and requires that planning permission for proposals which involve outdoor lighting must be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards publications. The Policy also sets out that outdoor lighting schemes will be considered against several criteria and hours of lighting will be restricted where appropriate.

A light assessment report accompanies the application. This report concludes that the dark skies assessment illustrates that the upward light ratio for the proposed development is 0.0%. This is below the 2.5% upward light ratio for the Environmental Zone E2, these are areas within a rural surrounding such as village or relatively dark outer suburban locations. Section 5.1 of the lighting assessment sets out the

indicative lighting plan. The Council's Environmental Health Officer raises no objection to this element of the proposal subject to a 'prior to occupation' condition in regard to predicated illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved.

In regard to air quality, it is inevitable with any development that the construction phase of a development will have potential for dust emissions from the site activities such as the earth works. An air quality assessment accompanies the application, the report presents the findings of an air quality assessment undertaken to assess road traffic emissions and construction dust impacts. Following a review of the noise assessment, the Council's Environmental Health Officer initially raised some concerns/questions in regard to the monitoring data used within the report; HGV emissions; more details were required on how the calculated emissions mitigation cost will be spent on the development on actual measure to reduce vehicle use; and dust mitigation.

Following receipt of an updated air quality report, the Council's Environmental Health Officer raises no objection to the proposal subject to a 'prior to development condition' requiring a Construction Management Plan.

ACCESS, PARKING AND CONNECTIVITY

Penfold Lane is proposed to be enhanced and expanded to create a new service road, connecting the proposed commercial units to the local highway network in addition, it is also proposed to provide access to the neighbouring residential unit to the west. The existing Public Rights of Way (PRoW) through the application site is also proposed to be diverted in part, in order to align with the upgraded pedestrian infrastructure along Penfold Lane (Footpath 2159 and Footpath 2160). The existing footway/cycleway on the A259 will link to the consented development to the east of the site, sharing the same access.

The proposed access arrangement into the site (Penfold Lane) reflects that of the approved Reserved Matters application, (A/83/18/RES); this provides for a new, improved junction between Brook Lane and the A259, as well as a new roundabout that affords access to the land east of Brook Lane in the event of future development. The existing footpaths to the site connect the retail centre at Manor Retail Park and Rustington Retail Park, as well as other employment areas such as Rustington Trading Estate to the south on the opposite side of the railway line. Footpath 2159 starts south of the rail line, heading north-west across the site, where it divides, with footpath 2160 heading almost due north, crossing the A259 and providing access to the land around Ham Manor Golf Club and Angmering village.

Policy T SP1 states that development should incorporate appropriate levels of parking in line with adopted guidance on parking provision and the Arun Design Guide taking into consideration the impact of development on on-street parking. Since then, the Arun Parking Standards SPD (January 2020) has been adopted. Angmering Neighbourhood Plan policy HD8 which relates to parking for new development supports the parking standards and encourages all new development to adhere to them.

It is proposed that the 18 units for B8/Class E(g) (office) use, totalling 9.316 sqm would have 196 car parking spaces, comprising 15 accessible spaces (5% of the total) and 64 no. active electric vehicle charging spaces (30% of the total) with passive provision for additional spaces to allow for further electric vehicle charging in the future. A total of 60 secure covered cycle parking spaces are also proposed situated in proximity to the unit's pedestrian entrances.

These parking levels are in line with those identified in Arun's Parking Standards which require 1 space per 100sqm for B8 uses. Cycle parking should be provided at 1 space per 500 sqm for staff and 1 space per 1000sqm for visitors.

WSCC Highways initially raised a holding objection requiring further information. Following receipt of this information WSCC Highways confirm they have no objection to the proposal subject to a unilateral

undertaking in regard to travel plan financial cost and conditions.

FLOOD RISK AND DRAINAGE

Local Plan Policy W DM2 (Flood Risk) highlights development in areas at risk of flooding will only be permitted where all listed criteria have been satisfied. Policy W DM3 prescribes the criteria for developments which implement Sustainable Urban Drainage Systems. Angmering Neighbourhood Plan policy EH3 relates to flood prevention and seeks to ensure flood risk is mitigated and does not increase the flooding impact off site, incorporating sustainable urban drainage systems where appropriate.

The majority of the site is located within Flood Zones 1, a small area of the site to the north-east (close to the river back ditch) is located within Flood Zone 2/3. Flood Zone 1 is designated as low probability of flooding with a less than 1 in 1000 annual probability of flooding. Flood Zone 2 is designated a medium probability of flooding. Land in this zone has between a 1 in 100 and 1 in 1000 annual probability of river flooding. Flood zone 3 is distinguished as land which has a 1% or greater annual probability of river flooding or a 0.5% or greater annual probability of sea flooding. It is noted no buildings are located within the identified Flood Zones 2/3.

The application is accompanied by a Flood Risk Assessment and Drainage Strategy, this report has assessed the risk of flooding from different possible key sources. The report confirms that the proposal would result in an increase of the impermeable areas and to mitigate the increase in surface water discharge rate attenuation methods have been proposed.

WSCC Local Lead Flood Authority initially raised an objection in respect of the surface water drainage. Following an updated Flood Risk Assessment and Drainage Strategy (Dated August 2023) WSCC Local Lead Flood Authority confirmed that they are satisfied that the applicant has sufficiently addressed concerns and the proposal is in accordance with NPPF and Local Plan policies subject to conditions. These being:

1. Prior to first use, construction drawings of surface water drainage network etc to be submitted and approved.
2. Maintenance and management details
3. Upon completion/prior to occupation survey and report required of surface water details.

The Council's Drainage Engineer also raised a holding objection in respect of the surface water drainage based on the original information submitted. Following the receipt of the updated Flood Risk Assessment and Drainage Strategy, the Council's Drainage Engineer was re-consulted. However, their comments are currently awaited and will be presented to Members as part of the written update prior to the committee meeting

Following a review of the original information provided, Network Rail raised a holding objection in regard to the level crossing and further details required in regard to Drainage/flooding.

Following the receipt of the updated Flood Risk Assessment and Drainage Strategy, Network Rail has been re-consulted. Network Rail drainage team have reviewed the additional documents and have no concerns related to the drainage matter.

FOOTBRIDGE

Many third-party comments refer to the provision of a railway bridge which was to be provided as part of the previous residential application. The red edged site plan for this application does not include the railway crossing and the application is silent on the provision of a bridge. As stated above Network Rail has issued a holding objection noting that "the proposal is likely to increase the use of Brook Lane footpath level crossing consequently increasing the risk to the public and operational railway. The

applicant/developer should provide details of how many employees and customers this development will cater for".

These details have been in part addressed by Mayer Brown's response to Network Rail, which outlines there could be up to five employees that would arrive and depart the development site on foot via the Brook Lane footpath level crossing, suggesting that it is considered that the number of additional pedestrians that may use the Brook Lane footpath level crossing to access the proposed employment development would be minimal and not material to the safety of the crossing or operation of the railway.

In regard to the Brook Lane Level Crossing. Level Crossings are ordinarily risk assessed on a regular basis unless some trigger event occurs, sufficient to justify a standalone risk assessment being done. Typical examples include cases where the risk is likely to change by virtue of a new housing development nearby or if the train timetable changes.

The risk assessment process includes quantitative as well as qualitative risk assessment. In quantifying risk Network Rail uses a risk model called the All Level Crossings Risk Model (ALCRM) which is a complex system of algorithms developed by the Rail Safety & Standards Board (RSSB) and Network Rail

The ALCRM reports two measures of risk; collective risk and individual risk of fatality. Collective risk includes risk to members of the public, train passengers and train crew. It is given a value between 1 and 13 where 1 is very high and 13 is zero risk. Individual risk is the risk of a fatality to a crossing user and this is given a value between A and M, where A is very high and M is zero risk. Also, the total collective risk is expressed in terms of Fatalities and Weighted Injuries (FWI)

In regard to current use, the results showed a ALCRM Risk score of:

C - Individual Risk
4 - Collective Risk
0.001186392 - FWI

In regard to the proposed used based on an increase of 5 users the ALCRM Risk score was:

C - Individual Risk
4 - Collective Risk
0.000835487- FWI

In terms of Individual Risk and Collective Risk the introduction of 5 additional users would not change the ALCRM Risk score. However, there would be an increase the total collective risk when expressed in terms of Fatalities and Weighted Injuries (FWI). Notwithstanding this increase, Network Rail have not requested any mitigation measures to offset the increase use of the level crossing.

It is considered therefore that the modest increase in 5 users, is acceptable.

CLIMATE CHANGE

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

Section 7 of the Design and Access statement considers the sustainability merits of the proposal, stating that the proposed buildings will meet current building regulations and performance standards, making them thermally efficient and reducing the energy demand required for both heating and cooling. The

planning statement notes the provision of glazing to office areas, and rooflights in the main double height areas also reduces the lighting demand during hours of operation. The sites drainage design utilises preferred solutions from the SuDS hierarchy, using a series of rain garden, swales, permeable paving, and balancing ponds to provide an on-site attenuation strategy.

In regard to on-site energy the finer details which would include on-site energy generation and an energy statement demonstrating at least 10% of the total predicted energy requirements from renewable or low carbon energy generation would be reserved by condition.

ARCHAEOLOGY

Arun Local Plan HER DM6 relates to sites of archaeological interest, this policy states permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest on the application site. An archaeology desk-based assessment dated September 2022 accompanies the application. The Council's archaeology advisor agrees with the findings and conclusion of the archaeological desk-based assessment with regard to the potential impact of the proposal on deposits of interested. It is also agreed that the archaeological presence should be evaluated through a programme of geophysical survey and targeted trial trenching in advance of development in order to identify significant deposits that might be present and to enable the implementation of appropriate measures for their preservation, i.e. either in-situ or through further investigation, recording and publication. No objection is raised in regard to archaeology subject to an appropriate condition.

CONTAMINATED LAND

Arun Local Plan policy QE DM4 states that prior to any development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development.

A Geo-Environmental Desk Study report accompanied the application. The report found that there is potential for contamination to exist at the site due to its historic uses. The report recommended additional intrusive investigation to be undertaken on the site to determine what, if any, remedial measures are necessary. The Council contamination advisor raises no objection in this regard subject to a condition to secure further site investigations to be undertaken.

SUMMARY

For the reasons as set out above, the proposal is in accordance with relevant Development Plan policies (subject to outstanding consultee comments) and as such it is recommended that this application is approved subject to a Unilateral Undertaking to secure the financial contributions and the conditions below.

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 fall within Zone 4 and as other development is zero rated for the purposes of CIL.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Site Location Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-001 Rev P2
 Block Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-101 Rev P2
 Existing Site Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-005 Rev P1
 Existing Site Levels Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-002 Rev P1
 Proposed Site Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-105 Rev P4
 Proposed Site Levels Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-007 Rev P2
 Proposed Site Parameters Plan Drawing No. Drawing No. 3712-SRA-XX-XX-D-A-PL-106 Rev P2
 Proposed Site Parking & Bin Storage Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-108 Rev P2
 Proposed Site Phasing Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-109 Rev P5
 Existing Site Section AA (1) Drawing No.3712-SRA-XX-XX-D-A-PL-011 Rev P1
 Existing Site Section AA(2) Drawing No.3712-SRA-XX-XX-D-A-PL-012 Rev P1
 Existing Site Section B8 Drawing No.3712-SRA-XX-XX-D-A-PL-013 Rev P1
 Existing Site Section CC Drawing No. 3712-SRA-XX-XX-D-A-PL-014 Rev P1
 Existing Site Section DD Drawing No.3712-SRA-XX-XX-D-A-PL-015 Rev P1
 Existing Site Section EE Drawing No.3712-SRA-XX-XX-D-A-PL-016 Rev P1
 Proposed Site Section AA(1) Drawing No. 3712-SRA-XX-XX-D-A-PL-111 Rev P1
 Proposed Site Section AA(2) Drawing No. 3712-SRA-XX-XX-D-A-PL-112 Rev P1
 Proposed Site Section BB Drawing No.3712-SRA-XX-XX-D-A-PL-113 Rev P1
 Proposed Site Section CC Drawing No. 3712-SRA-XX-XX-D-A-PL-114 Rev P1
 Proposed Site Section DD Drawing No. 3712-SRA-XX-XX-D-A-PL-115 Rev P1
 Proposed Site Section EE Drawing No. 3712-SRA-XX-XX-D-A-PL-116 Rev P2
 Units 1 to 5 - Existing Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-021 Rev P1

Units 1 to 5 - Existing Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-031 Rev P1
Units 1 to 5 - Proposed Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-121 Rev P1
Units 1 to 5 - Proposed Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-131 Rev P1
Units 1 to 5 - Proposed Ground Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-201 Rev P1
Units 1 to 5 - Proposed First Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-202 Rev P1
Units 1 to 5 - Proposed Roof Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-203 Rev P1
Units 1 to 5 - Proposed Sections Drawing No. 3712-SRA-XX-XX-D-A-PL-401 Rev P1
Units 1 to 5 - Proposed North and East Elevations Drawing No.3712-SRA-XX-XX-D-A-PL-301 Rev P1
Units 1 to 5 - Proposed South and West Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-302 Rev P1
Unit 6 - Existing Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL022 Rev P1
Unit 6 - Existing Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-032 Rev P1
Unit 6 - Proposed Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-122 Rev P1
Unit 6 - Proposed Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-132 Rev P1
Unit 6 - Proposed Ground Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-204 Rev P1
Unit 6 - Proposed First Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-205 Rev P1
Unit 6 - Proposed Roof Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-206 Rev P1
Unit 6 - Proposed Sections Drawing No. 3712-SRA-XX-XX-D-A-PL-402 Rev P1
Unit 6 - Proposed Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-303 Rev P1
Unit 7 - Existing Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-023 Rev P1
Unit 7 - Existing Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-033 Rev P1
Unit 7 - Proposed Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-123 Rev P1
Unit 7 - Proposed Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-133Rev P1
Unit 7 - Proposed Ground Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-207 Rev P1
Unit 7 - Proposed Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-208 Rev P1
Unit 7 - Proposed Roof Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-209Rev P1
Unit 7 - Proposed Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-304 Rev P1
Unit 7 - Proposed Sections Drawing No. 3712-SRA-XX-XX-D-A-PL-403 Rev P1
Units 8A to 9B - Existing Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-024 Rev P1
Units 8A to 9B - Existing Context Elevations Drawing No.3712-SRA-XX-XX-D-A-PL-034 Rev P1
Units 8A to 9B - Proposed Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-124Rev P1
Units 8A to 9B - Proposed Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-134 Rev P1
Units 8A to 9B - Proposed Ground Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-210 Rev P1
Units 8A to 9B - Proposed First Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-211 Rev P1
Units 8A to 9B - Proposed Roof Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-212 Rev P1
Units 8A to 9B - Proposed Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-305 Rev P1
Units 8A to 9B - Proposed Sections Drawing No. 3712-SRA-XX-XX-D-A-PL-404 Rev P1
Units 10A to 10F - Existing Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-025 Rev P1
Units 10A to 10F - Existing Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-035 Rev P1
Units 10A to 10F - Proposed Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-125 Rev P2
Units 10A to 10F - Proposed Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-135

Rev P1
Units 10A to 10F - Proposed Ground Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-213
Rev P1
Units 10A to 10F - Proposed First Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-214 Rev
P1
Units 10A to 10F - Proposed Roof Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-215 Rev P1
Units 10A to 10F - Proposed Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-306 Rev P1
Units 10A to 10F - Proposed Sections Drawing No. 3712-SRA-XX-XX-D-A-PL-405 Rev P1
Unit 11 - Existing Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-026 Rev P1
Unit 11 - Existing Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-036 Rev P1
Unit 11 - Proposed Site Context Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-126 Rev P2
Unit 11 - Proposed Context Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-136 Rev P1
Unit 11 - Proposed Elevations 01 Drawing No. 3712-SRA-XX-XX-D-A-PL-307 Rev P1
Unit 11 - Proposed Elevations Drawing No. 3712-SRA-XX-XX-D-A-PL-308 Rev P1
Unit 11 - Proposed Ground Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-216 Rev P1
Unit 11 - Proposed First Floor Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-217 Rev P1
Unit 11 - Proposed Roof Plan Drawing No. 3712-SRA-XX-XX-D-A-PL-218 Rev P1
Unit 11 - Proposed Sections Drawing No. 3712-SRA-XX-XX-D-A-PL-406 Rev P1
Proposed External Structures Details - Cycle & Bin Store Drawing No. 3712-SRA-XX-XX-D-A-
PL-501 Rev P1
Proposed External Structures Details - Substations Drawing No. 3712-SRA-XX-XX-D-A-PL-
502 Rev P1
Tree pit detail (under 20cm girth in soft landscape areas) Drawing No. 244-401 Rev P1
Tree pit detail (20-25 girth in soft landscape areas) Drawing No. 113-402 Rev P1
Tree pit detail (multi-stemmed in soft landscape areas) Drawing No. 224-403 Rev P1
Overall Landscape Plan Drawing No. 244-001 Rev P2
Location Plan for Landscape Plans Drawing No. 244-002 Rev P2
Landscape Plan 1 of 4 Drawing No. 244-003 Rev P2
Landscape Plan 2 of 4 Drawing No. 244-004 Rev P2
Landscape Plan 3 of 4 Drawing No. 244-005 Rev P2
Landscape Plan 4 of 4 Drawing No. 244-006 Rev P2
Location Plan for Planting Plans Drawing No. 244-202 Rev P2
Planting Plan 1 of 4 Drawing No. 244-203 Rev P2
Planting Plan 2 of 4 Drawing No. 244-204 Rev P2
Planting Plan 3 of 4 Drawing No. 244-205 Rev P2
Planting Plan 4 of 4 Drawing No. 244-206 Rev P2
Timber Post and Rail Fencing Drawing No. 244-411 Rev P1
Vertical Log Pile Drawing No. 244-412 Rev P1
Landscape Sections AA & BB Drawing No. 244-501 Rev P1
Landscape Section CC Drawing No. 244-502 Rev P1
Landscape Section DD Drawing No. 244-503 Rev P1
Elemental Specification for Landscape Materials dated 20 January 2023
Site Access Arrangement and numbered SPRUSTINGTON(IND). 1/01.
Drainage Strategy Sheet 2 of 2 Drawing No. A8921-1501
Illustrative Masterplan Drawing No. 244-801 Rev P2
Arboricultural Report By Silverback Arboricultural Consultancy Ltd dated January 2023
Preliminary Ecological Appraisal by The Ecology Partnership dated October 2022

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

3 The development shall be carried out in accordance with the approved Phasing Plan

reference 3712-SRA-XX-XX-D-A-PL-109 Rev P5 which provides details of the separate and severable phases of the development, including on site infrastructure.

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

- 4 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Site Access Arrangement and numbered SPRUSTINGTON(IND). 1/01.

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

- 5 No unit shall be first occupied until the car parking serving the respective unit has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

- 6 No unit shall be first occupied until covered and secure cycle parking spaces serving the respective unit have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with Policy T SP1 of Arun Local Plan.

- 7 Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plans shall be implemented and adhered to throughout the construction period. The submitted Construction Management Plan 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 parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste, including permitted times for deliveries,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- 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/consultation both prior to and during construction works.
- Avoid construction traffic using the Strategic Road Network (SRN) during the network peak hours of 08:00-09:00 and 17:00-18:00 and ensuring any loose loads on vehicles using the Strategic Road Network (SRN) are adequately secured and sheeted
- An indicative programme for carrying out of the works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works

i.e. no burning permitted.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy T DM1 of the Arun Local Plan. 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.

- 8 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Partnership, October 2022).

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 & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 9 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 Construction Environmental Management Plan (CEMP: Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones", including the protection of trees with bat roost potential.
- c) Reptile mitigation strategy, including detail relating to translocation.
- d) Water Vole mitigation strategy.
- e) 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).
- f) The location and timing of sensitive works to avoid harm to biodiversity features.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication.
- i) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- j) Use of protective fences, exclusion barriers and warning signs.

The approved Construction Environmental Management Plan (CEMP) shall be adhered to and implemented throughout 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 & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because it is necessary to ensure that there will be no harm to protected species as a result of the development.

- 10 Prior to the commencement of development, a Landscape and Ecological Management Plan

(LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the Landscape and Ecological Management Plan (LEMP) shall include the following:

- Description and evaluation of features to be managed, including details relating to onsite biodiversity net gain.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward, covering a minimum of a 30 year period to include recommendations within the Biodiversity Net Gain Assessment (The Ecology Partnership, August 2023).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The Landscape and Ecological Management Plan (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 Landscape and Ecological Management Plan (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 & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because it is necessary to ensure that there will be no harm to protected species as a result of the development.

11 Prior to the commencement of development, 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:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs or product descriptions to achieve stated objectives;
- Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- Persons responsible for implementing the enhancement measures; and
- Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because it is necessary to ensure that there will be no harm to protected species as a result of the development.

12 No development above damp-proof course (DPC) level shall take place until a "lighting design strategy for biodiversity" to prevent the artificial illumination of boundary habitats and protected and Priority species receptor sites (reptiles and Water Vole) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through 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 the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

13 Prior to the commencement of development construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment and Drainage Strategy (A8921, CEP, 10/08/23), Drainage Strategy Plan (A8921-1500-PO7, CEP, 08.08.23), and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Planning Policy W DM1 Flood Risk in Arun Local Plan 2011-2031 (July 2018). 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.

14 Prior to the commencement of development, details of the maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first use of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- a timetable for its implementation,
- details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
- details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
- a management and maintenance plan for the lifetime of the development which shall include

the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy W DM2 Flood Risk in Arun Local Plan 2011-2031 (July 2018). It is considered necessary for this to be a pre-commencement condition to ensure that a suitable drainage scheme for the surface water disposal scheme is agreed before construction commences.

- 15 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the first unit; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy WDM2 Flood Risk in Arun Local Plan 2011-2031 (July 2018).

- 16 Prior to occupation any unit 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.

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.

- 17 Prior to the first occupation of any unit forming part of the proposed development the applicant will at their own expense install the required fire hydrants (or in a phased programme if a large development) 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 firefighting.

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.

- 18 Prior to commencement of the development 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 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A 'Verification Report' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

Reason: To comply with Policy QE DM4 of the Arun Local Plan.

- 19 The scheme shall be implemented as approved above and, prior to commencement of any construction work a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include 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 report, and for the reporting of this in writing to the Local Planning Authority.

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

- 20 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with building services plant, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation. The sound pressure level (dBA) emitted from the use of this plant, machinery or equipment shall not exceed the proposed emission limits as set out in Table 5.2 of the submitted noise assessment ref 6595608 when assessed by a competent acoustician. Once approved the plant shall not be altered without the prior written approval of the Local Planning Authority

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

- 21 Prior any development above damp proof course level details of the acoustic barrier, to be erected along a section of the southern boundary of the development site, including details of its effectiveness and ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall then be implemented prior to the occupation of any unit on site and shall be permanently retained and maintained.

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

- 22 Prior to occupation of each unit, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents in accordance with Policy QE DM2 of the Arun Local Plan.

- 23 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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 otherwise the disturbance of earth could harm important deposits.

- 24 Landscaping (hard and soft) shall be carried out in accordance with the details shown on Location Plan for Landscape Plans Drawing No. 244-002 Rev P2, Landscape Plan 1 of 4 Drawing No. 244-003 Rev P2, Landscape Plan 2 of 4 Drawing No. 244-004 Rev P2, Landscape Plan 3 of 4 Drawing No. 244-005 Rev P2, and Landscape Plan 4 of 4 Drawing No. 244-006 Rev P2. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

- 26 Prior to commencement of development the applicant shall prepare and submit for approval in writing, an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Arun Local Plan policy SKILLS. This must be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 27 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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.

- 28 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

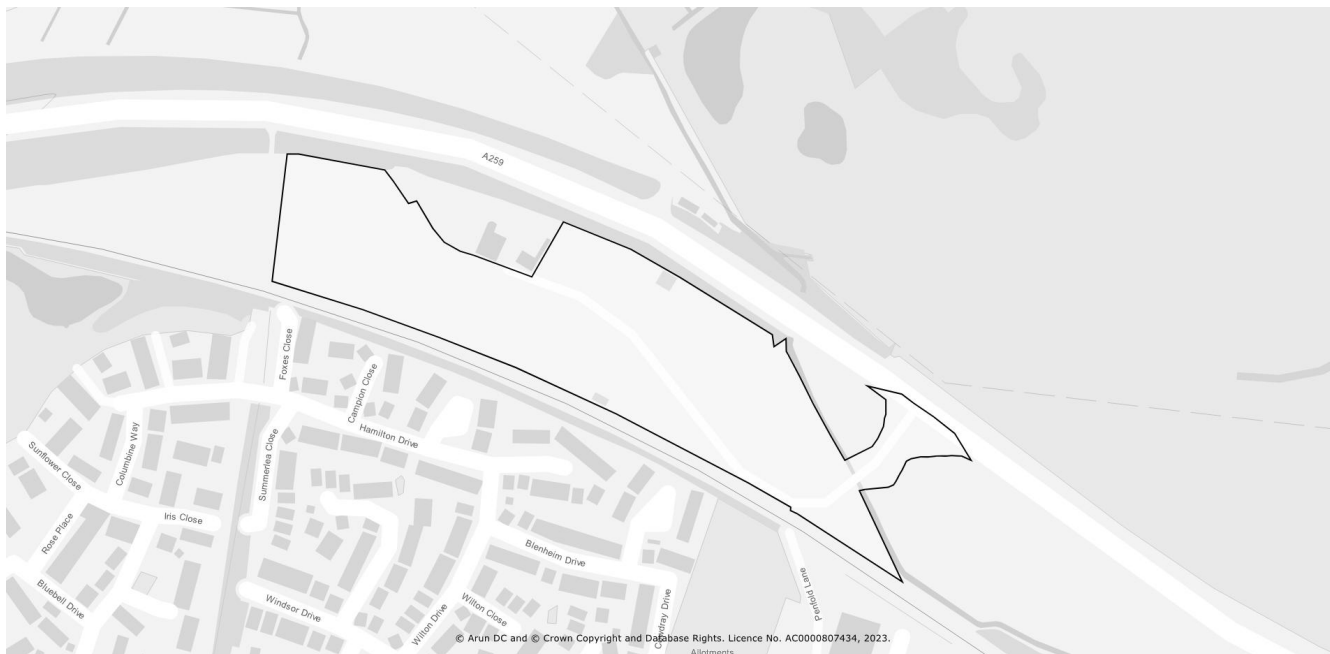
continuing.

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

BACKGROUND PAPERS

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

A/39/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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